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DEBATES OF
THE LEGISLATIVE ASSEMBLY
OF UNITED CANADA

VOLUME XIII

PART IV

1856

DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA
1841-1867

Centre de recherche en histoire/History Research Centre

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VOLUME XIII, PART IV

1856

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WEDNESDAY, 23 APRIL 1856

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THE following Petitions were severally brought up and laid on the table: —

By Mr. *Darche*, — The Petition of *F. Viger* and others, of the Parish of *Boucherville*; the Petition of *A.D.F. LaLumière* and others, of *Boucherville*; and the Petition of *L. Bélent* and others, of *Boucherville*.

By Mr. *Somerville*, — The Petition of *François Delorme* and others, of the Parish of *St. Anicet*; and the Petition of the Municipality of the Township of *Elgin*.

By Mr. *Valois*, — The Petition of *J.B.O. Martin* and others, of the Parish of *Les Saints Anges de Lachine*; and the Petition of the School Commissioners of the Parish of *Les Saints Anges de Lachine*.

By Mr. *Clarke*, — The Petition of *Robert Cromar* and others, of the Township of *Pilkington*.

By Mr. *Terrill*, — The Petition of *A.B. Johnson* and others, of the Township of *Magog*, Eastern Townships; and the Petition of the Trustees and Directors of *Stanstead Seminary*.

By Mr. *Jean Baptiste Eric Dorion*, — The Petition of *Pierre Bruneau* and others, of *Maddington*; the Petition of *Nicholas Landry* and others, of *St. Germain*; and the Petition of *Louis Richard* and others, of *St. Eusèbe de Stanfold*.

By Mr. *Ferrie*, — The Petition of *H.H. Date* and others, of the Township of *Waterloo*.

By Mr. *Scatcherd*, — Two Petitions of the Mayor, Aldermen, and Commonalty of the City of *London*.

By the Honorable Mr. *Merritt*, — The Petition of the Municipality of the Township of *Caistor*.

By Mr. *Yeilding*, — The Petition of *Philip Thompson* and others, of the City of *Ottawa*; and the Petition of *James G. Johnston* and others, of the City of *Ottawa*.

By Mr. *Dionne*, — The Petition of the Reverend *H. Potvin* and others, of the Parish of *St. George de Kakouna* and other places.

By the Honorable Mr. *Rolph*, — The Petition of *H.A. Mabee* and others, of the County of *Norfolk*; the Petition of the Municipality of the Township of *Walsingham*; and the Petition of *George Ghent* and others, of the County of *Halton*.

By Mr. *Holton*, — The Petition of *J.L. Brault* and others, of the City of *Montreal*.

By Mr. *Hartman*, — The Petition of *Charles Doan* and others, of the Town of *Aurora*; the Petition of *Seth Ashton* and others, of the Township of *Whitchurch*; and the Petition of *E. Jackson* and others, of the Township of *Whitchurch*.

By Mr. *Brown*, — The Petition of *Andrew Rae* and others, of the Township of *Ancaster*; the Petition of *A. Jack* and others, of the City of *Toronto*; the Petition of *John Johnston* and others, Indians of *Saugeen*; the Petition of *John White* and others, of the Town of *Milton*, County of *Halton*; the Petition of *James Simmons* and others, of the Township of *Plympton*; and the Petition of *William Henderson* and others.

By Mr. *Bell*, — The Petition of *Robert K. Black* and others, of *Renfrew*.

By Mr. *Gould*, — The Petition of *William MacNab* and others; and the Petition of *George Brabazon* and others, of the Township of *Brock*.

By Mr. Solicitor General *Smith*, — The Petition of *Joseph Kent* and others, of the City of *Hamilton*; the Petition of the Horticultural Society of the City of *Hamilton*; the Petition of the *Hamilton Mercantile Library Association*; the Petition of *J. Brown*, President of the *Hamilton Horticultural Society*; the Petition of the Reverend *R. Irvine* and others, of the City of *Hamilton*; and the Petition of *Thomas Davidson* and others, of the City of *Hamilton*.

By the Honorable Mr. *Robinson*, — The Petition of the Municipality of the Township of *West Gwillimbury*.

By Mr. *Frazer*, — The Petition of *Thomas Burgar* and others, of the Township of *Merrittsville*.

By Mr. *Aikins*, — The Petition of *Walter P. Lacey* and others, of the Town of *Brampton*.

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By Mr. *Gamble*, — The Petition of *John Hawkins* and others, of the Counties of *York* and *Peel*.

By the Honorable Mr. *Morrison*, — The Petition of Messieurs *Pierson* and *Benedict*, and others, of the Town of *Niagara*.

Pursuant to the Order of the day, the following Petitions were read: —

Of *John Macdonald*, Warden, and others, of the County of *Chateauguay*; praying that an Agricultural Society may be established in the said County.

Of the Municipality of the Township of *North Elmsley*; praying for certain amendments to the Jury Laws of *Upper Canada*.

Of the Municipality of the Township of *North Elmsley*; praying that no Legislative aid be granted for the support of Separate Schools.

Of the Reverend *M. Carrier* and others, of the Parish of *St. Antoine de la Baie*; praying aid for a Superior School in the said Parish.

Of the Reverend *Joseph Crevier* and others, of *St. Pie*, County of *Bagot*; of *Gaspard Dault* and others, of the Parish of *St. Ignace du Coteau du Lac*; of *T. Ducharme* and others, of *Mont St. Hilaire de Rouville*; of *F. Poutré* and others; of *G.G. Gaucher* and others, of the Parish of *Ste. Geneviève*; of *John Lamir* and others, of the Town of *Sorel*; of *Louis Monseau* and others, of the Parish of *St. Antoine, Baie du Febvre*; of *Hilaire Allard* and others, of the Village of *L'Avenir*; of *Louis Prince* and others, of *Stanford*, County of *Arthabaska*; of *C. Préfontaine* and others, of the Parish of *St. Marc*, County of *Verchères*; of *Joseph Letarte* and others, of the Village of *Kingsey*; of *L. Labreche Viger* and others, of the City of *Montreal*; of *F. Préfontaine* and others, of *South Durham*; of *Lewis Derocher* and others, of *Wickham*; and of the Reverend *L.E.F. Dupuis* and others, of the Parish of *Ste. Anne de Laprade*; praying that no further guarantee may be given to the Grand Trunk Railway Company.

Of the *Montreal* Board of Trade; praying that no change may be made in the existing Laws relative to the Trinity House of *Montreal*.

Of *H. Myers* and others, of the Township of *Onondaga*; of *John Kirk* and others, of the Townships of *Canborough*, *Moulton* and *Caistor*; of *Isaac W. Tyson* and others, of the Township of *Waterloo*; of *S.P. Mabee* and others, of the Township of *Walsingham*; of *H.A. Mabee* and others; of *Charles Fell* and others; of *Z.R. Henderson* and others, of the Townships of *Chinguacousy* and *Albion*; of *S. Neucomb* and others, of the Village of *Vienna*, Township of *Bayham*; of *Andrew Hossie*, senior, and others, of the Township of *Moore*; of *John Bell* and others, of the Township of *London*; and of *John Hubbard* and others, of the Village of *Vienna*; praying that representation may be based upon population.

Of the Reverend *W.W. Taylor*, D.D., and others, Members of the United Presbyterian Church of *Montreal*; praying for the abolition of Sunday labor in the Post Office Department, and on the *St. Lawrence* Canals.

Of *George J. Beaudet* and others, of the Parish of *St. Ignace du Coteau du Lac*; and of *Bénoni Lanoix* and others, of the Parish of *St. Barthelemi*; praying for certain amendments to the Municipal and Road Act of 1855.

Of the Mechanics' Institute and Library Association of the Village of the Basin of *Chambly*; praying for aid.

Of *George Wilson* and others, of the Village of *Napanee*; praying that the chartered Banks may be compelled to take their Notes at par throughout the Province.

Of *James Doyle* and others, of *Durham*, County of *Drummond*; praying for an Address to Her Majesty soliciting the recall of *William Smith O'Brien* from banishment.

Of *John Major* and others, of the City of *Toronto*; praying for an Act of Incorporation under the name of the *British Bank of Canada*.

Of *William Templeman Hewitt* and others, of *Côte St. Charles*, County of *Vaudreuil*; of *Henry Bouck* and others, of the Township of *Matilda*; and of *Samuel Thompson* and others, of the Township of *South Gower*; praying for the passing of a Prohibitory Liquor Law.

Of the Natural History Society of *Montreal*; praying for the establishment of a Provincial Meteorological Observatory at *Montreal*, and also for aid to enable Doctor *Smallwood* to publish a series of valuable observations, extending over a period of fifteen years.

Of *Ira Gould* and others, of the City of *Montreal*; praying that the Bill now before the House to incorporate the *Montreal Gas Company* may not become law.

Of the Municipality of the Parish of *St. Denis de la Bouteillerie*; praying aid for the erection of an Academy.

Of the Municipality of the Township of *Winslow*; praying for aid to complete the *St. Francis* Road.

Of the Reverend *Michael J. Lynch* and others, Members of the *Aylmer* Catholic Institute; praying aid for the said Institute.

Of the *Quebec* Board of Trade; praying that the Act 8 *Vic.* cap. 49, may be amended.

Of the *Quebec* Board of Trade; praying that the Bill now before the House to amend the Act 12 *Vic.* cap. 114, may not become law.

Of the *Victoria* Hospital of *Quebec*; praying for aid towards the construction of the said Hospital.

Of the Mayor, Aldermen and Citizens of the City of *Quebec*; praying for certain amendments to the Act relating to the *Quebec* Water Works.

Of *John Smith* and others, of the *St. Lawrence* Ward, City of *Toronto*; setting forth certain grievances and praying relief.

Of *Anderson Lewis* and others, of the Town of *Chatham*; praying for the repeal of such clauses and sections of the existing School Laws as provide for the establishment of Separate Schools for the colored people.

Of *William Sparrow* and others, of the County of *Perth*; praying that means may be adopted to prevent the unnecessary expenditure of the endowment of King's College.

Of *William Adams* and others, of the Township of *Albion* and the Gore of *Toronto*; praying that the Township of *Albion* and the Gore of *Toronto* may be detached from the County of *Peel*, and form an integral portion of the County of *York*, for judicial purposes.

Of *J.B. Lay* and others, of the County of *Shefford*; praying that the Counties of *Shefford*, *Missisquoi* and *Brome* may be created into an independent Judicial District.

Of *John White*, of the Township of *Trafalgar*; praying that the Bill now before the House to vest a certain Road allowance in the Municipality of the said Township may not become law.

Of *A.P. Ball* and others, of the Town of *Sherbrooke*; praying that the Bill now before the House for the establishment of a Provincial Police Force, as far as it is made obligatory upon the said Town, may not become law.

Of the Honorable *Charles D. Day* and others, of the City of *Montreal*; praying for the passing of an Act for the encouragement of Horticulture.

Of *U. Beliveau* and others, of *St. Christophe d'Arthabaska*; praying that certain School Assessments may be legalized.

Of *E.L. Cressé* and others, heirs and representatives at Law of the late *Pierre Michel Cressé*, Co-Seignior of *Nicolet* and *Isle de la Fourche*; representing that they have a claim of two-thirds of the *Isle de la Fourche*, the property of which has been assumed by the Government, and praying for indemnification.

Of the Town Council of the Town of *Barrie*; praying that the *Ontario*, *Simcoe* and *Huron* Railroad Company may be required to carry out and complete their contract with the Municipality of *Barrie*, for the construction of a Branch line or Switch into the said town of *Barrie*, and the establishment therein of a Depot or Station.

Mr. *Jobin*, from the Standing Committee on Contingencies, presented to the House the Fourth Report of the said Committee; which was read, as followeth:—

Your Committee have considered the Petition of *Lemuel Cushing*, referred to them by Your Honorable House, praying that the legal costs of the Commissioner in the case of the *Argenteuil* Contested Election, and his Clerk, together with those of the Witnesses (as they may be taxed,) to the amount of One hundred pounds, be paid from the Contingencies of the House. Your Committee recommend that the Accountant be authorized to pay the said sum of One hundred pounds, also the costs of the said Commissioner and the salary of his Clerk.

The Report of Mr. *Wicksteed*, Law Clerk, who was authorized by Your Honorable House, on the 8th November, 1854, "with such assistance as he might deem necessary, to prepare an Index of the Statutes now in force in this Province, as full and complete, and upon the same plan, as that of the Revised Statutes of *Canada West*," was duly considered; and it is recommended, that the sum of Ten pounds, incurred by Mr. *Wicksteed* for expenses from *Quebec* to *Toronto* and back, in August, 1855, superintending the completion of the said work, be paid him;

and also, as the opinion of this Committee, that the work of Mr. *W.C. Keele*, as assistant to the Law Clerk in compiling said Index, during the period of eighteen months, entitles him to the sum of Five hundred pounds, in addition to the sum of One hundred pounds already paid on account, and to include the completion of the Tables of the Statutes now nearly completed.

Your Committee have had under their consideration a Letter of the Officers of Your Honorable House, and transmitted to Your Committee by the Honorable the Speaker. The Letter adverts to the Act of last Session, enabling the Governor in Council to raise the Salaries of the Officers of the Executive Government, and refers to the Order of the House of the 29th May last, which authorized the Speaker to make such gratuity to each of the permanent Officers of the House, (for the then present year) as should not exceed that contemplated by the said Act in favor of the Officers in the other Public Departments, and states the fact that the increase was thus made permanently to those in whose favour the Act was passed, while to the Officers of Your Honorable House the increase was confined to a gratuity for the year. The Letter further states, that the necessity for the permanency of such an addition to their present Salaries is even greater than last year. And that it is conceived the House does not intend to make any distinction, to the disadvantage of its own officers, as compared with those of the Executive Government.

Upon due consideration of the subject-matter of the above Letter, Your Committee recommend that an increase of Salary be granted to the permanent Officers of this House, at the same rate or per centage, and proportioned as the Salaries of the Officers in the Government Departments have been increased. And they further recommend that the Salary or remuneration of all the other Officers and *Employés*, temporarily employed, be increased at the same rate, for the present year.

Your Committee also recommend that the sum of Fifty pounds be added to each of the present Salaries of *Charles Langevin*, Assistant Accountant, and of *William Wilson*, Assistant English Translator, from the commencement of the present year.

Ordered, That the said Report be printed for the use of the Members of this House, and the Rule requiring reference to the Standing Committee on Printing, suspended as regards the same.

Ordered, That the said Report be taken into consideration on Monday next.

Mr. *Hartman*, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Eighth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Bill to enable the *Hamilton Hotel Company* to increase their Capital Stock, and for other purposes therein mentioned, and have agreed to report the same without any amendment.

They have also examined the Bill to separate the Counties of *Huron* and *Bruce*, and for other purposes, and have agreed to several amendments, which they beg to submit for the consideration of Your Honorable House.

Mr. *Chapais*, from the Standing Committee on Standing Orders, presented to the House the Thirteenth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Petition of *William Gamble* and others, Members of the Millers' Association for *Canada West*, and find that sufficient Notice has been given.

They have also examined the Petition of the *Quebec* and *St. Francis Mining Company*, praying for certain amendments to their Act of Incorporation, and find that the amendments applied for are not of a nature to require the publication of Notice.

On the Petitions of *U. Beliveau* and others, of *St. Christophe d'Arthabaska*, for the legalization of a school rate; and of *John Major* and others, for incorporation of the *British Bank of Canada*, they find that no Notice has been given in either case; but it does not appear either of these measures would be likely to affect private rights, and Your Committee are therefore disposed to recommend that the 62nd Rule be suspended with respect to the same.

Mr. *Stevenson*, from the Standing Committee on Printing, presented to the House the Fourteenth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the following documents referred to them, and have agreed to recommend that they be printed, viz: —

The Report of the Provincial Commissioners to the *Paris Exhibition*, with the several documents accompanying the same:

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And the Third Report of the Select Committee on Public Accounts, with its Appendix. The usual number of this last mentioned Report: Estimated cost, Twenty-two pounds.

With reference to the Report of the Commissioners to the *Paris* Exhibition, Your Committee beg to recommend that the number of copies printed be, in *English*, Three thousand, and in *French*, Two thousand; and that they be bound in a cheap form, not to exceed Ten pence per volume, by the Contractor for the Binding, and that the Printing do proceed with despatch, under the surveillance of the Secretary to the Commissioners.

Ordered, That the Honorable Mr. *Morrison* have leave to bring in a Bill to amend the Charter of the *Zimmerman* Bank.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Bill to enable the *Hamilton* Hotel Company to increase their Capital Stock, and for other purposes therein mentioned, be read the third time To-morrow.

On motion of the Honorable Mr. *Young*, seconded by Mr. *Holton*,

Ordered, That the 62nd Rule of this House be suspended as regards the Bill from the Legislative Council, intituled, "An Act to amend and consolidate the several Acts incorporating the *Mount Royal* Cemetery Company."

On motion of Mr. *Jean Baptiste Eric Dorion*, seconded by Mr. *Darche*,

Resolved, That this House doth concur in the last paragraph of the Twelfth Report of the Standing Committee on Standing Orders, relative to Notices to be given on Petitions for Private Bills, under the 62nd Rule of this House.

[On motion of] MR. J. DORION¹,

(362)

Ordered, That the 62nd Rule of this House be suspended as regards a Bill to legalize a certain School Assessment in the Parish of *St. Christophe d'Arthabaska*.

Ordered, That Mr. *Jean Baptiste Eric Dorion* have leave to bring in a Bill to legalize a certain School Assessment in the Parish of *St. Christophe d'Arthabaska*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

Ordered, That Mr. *Rhodes* have leave to bring in a Bill to amend the Act to incorporate the *Quebec* and *St. Francis* Mining and Exploring Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Mr. *Rhodes* moved, seconded by Mr. *Price*, and the Question being put, That the 67th Rule of this House be suspended as regards the said Bill; the House divided: and the names being called for, they were taken down, as follow: —

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YEAS.

Messieurs *Bell*, *Brodeur*, *Cartier*, *Casault*, *Cayley*, *Chabot*, *Chapais*, *Chisholm*, *Church*, *Conger*, *Cooke*, *Crawford*, *Jean B. Daoust*, *Delong*, *Desaulniers*, *Dionne*, *Dostaler*, Attorney General *Drummond*, *Dufresne*, *Egan*, *Evanturel*, *Felton*, *Foley*, *Thomas Fortier*, *Octave C. Fortier*, *Fournier*, *Frazer*, *Gill*, *Gould*, *Gutvremont*, *Labelle*, *Laporte*, *Larwill*, *Lemieux*, *McCann*, *Masson*, *Matheson*, *Angus Morrison*, *Murney*, *Polette*, *Poulin*, *Pouliot*, *Price*, *Rhodes*, *Robinson*, Solicitor General *Ross*, *Sanborn*, *Shaw*, Solicitor General *Smith*, *Somerville*, *Southwick*, *Spence*, *Stevenson*, *Supple*, *Terrill*, *Thibaudeau*, *Turcotte*, and *Yeilding*. — (58.)

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NAYS.

Messieurs *Aikins*, *Bourassa*, *Brown*, *Cameron*, *Christie*, *Darche*, *DeWitt*, *Jean B.E. Dorion*, *Antoine A. Dorion*, *Galt*, *Gamble*, *Hartman*, *Holton*, *Jobin*, *Lumsden*, *Patrick*, *Powell*, and *Valois*. — (18.)

So it was resolved in the Affirmative.

[On motion of] MR. JACKSON²,

(363)

Ordered, That the Bill to separate the Counties of *Huron* and *Bruce*, and for other purposes, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow.

Ordered, That the Honorable Mr. *Robinson* have leave to bring in a Bill to authorize *Henry Augustus Fitzgerald McLeod* to practise as a Provincial Land Surveyor.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. GOULD moved to suspend the 62nd rule in regard to the Bill to confirm certain By-laws of the late Home District Council.³

After a good deal of discussion, the motion was withdrawn⁴.

(363)

Ordered, That the Petition of the Municipality of the Township of *Reach*, relative to the confirmation of certain By-Laws, be referred to the Standing Committee on Standing Orders.

Ordered, That it be an Instruction to the said Committee to report as to the expediency of suspending the 62nd Rule of this House as regards the prayer of the said Petition.

Ordered, That the Honorable Mr. *Cameron* have leave to bring in a Bill to admit *Hewitt Bernard* to practise as an Attorney and Solicitor in the Courts of Law and Equity in *Upper Canada*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. *Cooke* have leave to bring in a Bill to authorize the Trustees holding the Presbyterian Church in the Township of *Hull*, and the lot upon which it is situated, to sell and convey the same, and to appropriate the proceeds to a like use.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

MR. BROWN rose to move the resolution of which he had given notice, on the subject of Representation by Population.⁵ [He] said that the only argument which could be urged against the principle, was one of expediency. Hon. gentlemen from Upper Canada would not vote for it simply because the Lower Canada representatives would not consent to it. But, surely that was not the light in which to view a great constitutional question. Such a question ought to be legislated on, with a freedom from all sectarian considerations and party interests; for it was one which struck at the root of all equitable government. During the Session the House had been on more than one occasion favored with comparative statements relative to the increase of population in Upper and Lower Canada, and also the amount of revenue contributed by the two Provinces, respectively. Having given this subject his most attentive consideration, he was prepared to furnish the House with an accurate and reliable comparative statement, embracing both these subjects. On the 12th of January, 1852, the census was last taken, and by that return it appeared the population of Upper Canada then numbered 952,064 while that of Lower Canada only numbered 890,262. Thus showing an excess of population in Upper Canada over Lower Canada of 61,742. That was four years ago, and if at that time we were justly entitled to four representatives more than Lower Canada, were we not entitled to a much larger number of representatives now? Since 1836, the population of Upper Canada had doubled every ten years, while that of Lower Canada had only doubled in twenty-five years. Now, if we estimate the relative increase of population at this ratio — taking it for granted that since 1852 both Upper and Lower Canada had progressed at the same rate — then we would find that on the 12th of last January, the population of Upper Canada would have reached 1,332,804, and that of Lower Canada 1,038,591 — thus showing a difference between the two

Provinces, in favor of Upper Canada, of 294,213 — or, at this moment a difference of about 300,000. Upper Canada was thus entitled to 20 representatives more than Lower Canada. Now, if the principle were adopted, it was well known it could not be put into operation at once — the constituencies would all require re-arrangement. And supposing hon. gentlemen in the Administration still clung tenaciously to office and rejected the proposition — then it would come up at the next general election, in 1858. Before that period could arrive, however, the population of Upper Canada would exceed that of the Lower Province, by something like 500,000 — or half a million of souls. Did any hon. gentleman in that House imagine that Upper Canada would not then demand representation by population? Again, with reference to the amount of revenue contributed by both sections of the Province, the excess in favor of Upper Canada was equally great. By the public accounts it appeared that the Customs' duties for 1855 amounted to £813,836 14s. — of which sum no less than £445,985 18s. 5d. was collected at the inland ports of U. Canada — leaving a balance of £367,850, as the amount paid for customs duties in L. Canada. Yet even that amount was not wholly the contribution of the Lower Province. It was but fair to assume that a large portion of this money was paid by Upper Canada merchants through their agents in Montreal or Quebec. It was beyond dispute that almost all the great houses in Montreal, and many of the largest houses in Quebec sent at least one half of their goods to Upper Canada. He felt certain, therefore, in stating that the real amount of customs' duties paid by Lower Canada, did not exceed £183,925 7s. 9d., that he was, if anything, over the mark. Then again, in the Crown Land Department, the total amount received last year was £125,097. Of this amount Upper Canada contributed £88,097 — and Lower Canada only £37,000. In the amount contributed to public works, Upper Canada was also far in advance of Lower Canada — the former Province contributing three times as much as the latter. But he regretted to say that if they looked to the distribution of this amount they would not find that the Upper Province had been benefitted to an amount proportionate with its contribution. The hon. gentleman concluded by stating that under all the circumstances, Upper Canada could no longer be denied representation by population; he would therefore move that representation by population in Parliament should be adopted — that the number of members be gradually increased, with the progressive increase of population, in a fixed ratio of representation without regard to the dividing line between Upper and Lower Canada.⁶

MR. PROV. SEC. CARTIER rose to a point of order. He objected to this proposition being again discussed by the House, having already negatived a question — the same in substance, if not in letter, at the opening of the session, during the debate on the Address. The motion was then made by the hon. member for Haldimand, negatived and on a vote.⁷

MR. BROWN contended that the motion was not similar. The former was for the population basis in both Houses of Parliament, while the present affected only the Legislative Assembly.⁸

MR. SOL. GEN. H. SMITH contended that the greater proposition involved the lesser.⁹

[MR. BROWN continued:] The motion of the hon. member for Haldimand proposed certain amendments to the answer to the speech from the throne; and his amendment did not prevail. The question then was not shall we adopt a certain measure and proceed to legislate upon it, as in the present instance. And year after year it had been the practice to debate on any and every public question, while considering the answer to the speech from the throne.¹⁰

MR. PROV. SEC. CARTIER maintained that the motion wa[s] out of order.¹¹

MR. MACKENZIE said his motion was not brought up on that occasion, in the form which had been stated by the hon. Provincial Secretary. He hoped the Government would not persist in their attempt to crush the motion of the hon. member for Lambton.¹²

After some further discussion,¹³

MR. SICOTTE the SPEAKER ruled that the opinion of the House had been expressed at the time of the discussion on the address; that the House was not disposed to accept the principle of population as a basis of representation. Were a motion of this kind to be carried now, it would compel the Ministry to resign. The House had already affirmed that no such legislation should be offered. The sense of the House could not have been more decidedly expressed.¹⁴

MR. BROWN ... [withdrew] his resolution, amidst the loudly expressed rejoicings of the Administration¹⁵.

(363)

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council acquaint this House, That the Honorable Mr. *Ross* has been appointed on the part of this House a Member of the Committee named on the 21st February last, upon the subject of the Library of Parliament.

And then he withdrew.¹⁶

MR. HUOT moved the following resolutions: —

1st. That this house is of opinion that the penalty of death is a kind of punishment which ought no longer to be inflicted in the present state of society, as being repugnant to the feelings of humanity.

2nd. That the penalty of death of all crimes for which it is now inflicted by the penal laws, be therefore abolished in the Province of Canada.¹⁷

MR. AT. GEN. DRUMMOND said, although he hoped the time would come when capital punishment would be looked upon as unnecessary, yet the public mind at the present time appeared to be in a different direction, and it was found necessary to keep the old system. (Hear, hear.)¹⁸ He had no objection to the appointment of a committee to take the resolution[s] into consideration, but¹⁹ he did not think that this committee should be chosen exclusively of those who had pronounced strong opinions in favour of the abolition of capital punishment. It should be composed of impartial gentlemen, chosen not by the present hon. mover, but if it was agreed to, he wished to recommend the attention of the hon. gentlemen forming the committee, to a report that was made by Mr. Sullivan some years ago, in the Legislature of the State of New York, upon the practicability of doing away with capital punishment. That report contained all the views *pro* and *con*, and it urged the abolition of punishment by death in the most strong terms. There were several other reports also, which should come under the committee's consideration.²⁰

MR. BROWN enquired if the hon. gentleman meant to allow the appointment of a committee to enquire into the propriety of abolition of punishment by death for capital crimes?²¹

MR. AT. GEN. DRUMMOND replied in the affirmative.²²

MR. BROWN was quite sure that the hon. Attorney General was very sincere, and felt it to be a question open to discussion, and a great many of his (Mr. B.'s) hon. friends held the same opinion, but some hon. members thought differently, and he himself was not prepared to vote that it was a question open for consideration. They must all have made up their minds upon the question long ago, and he was prepared to vote against abolition.²³

MR. SOL. GEN. H. SMITH thought that the motion was not put in the proper shape. The consent of the Government was not given to the principle of these resolutions, for he would not vote for

them himself. He would suggest an alteration of the motion to the hon. mover, asking that the house should appoint a committee to whom [the] resolutions should be referred, without committing the house to the principle contained in them.²⁴

MR. AT. GEN. DRUMMOND did not want now to commit himself to the resolutions.²⁵

MR. CAMERON hoped that the house would not grant the committee. The house ought not now to adopt any course of reference of the principle itself to a committee, or take any step by which it would appear that it was prepared to express a decision upon unsettling the present mode of punishment by death where life is taken away.²⁶

MR. MERRITT was surprised at this stage of the world, to hear hon. gentlemen get up and attempt to oppose enquiry on so important a subject. Could the investigation of this committee do any harm? He would like to see an able report from them. Solitary confinement was as great a punishment as death, and it was not the fear of punishment which prevents crime. There were higher motives to be looked at.²⁷

MR. J.S. MACDONALD was convinced that the moment the punishment is taken away which is before the man who commits murder, a premium was offered for the commission of crime. Under the present system it was very difficult to get a man hanged in this country, even if he had murdered his fellow creature in cold blood. The Executive, in such cases, were implored by petition to spare the life of the criminal, and that being granted, he was sent to the Penitentiary, and eventually was probably pardoned. In some of the Western States they formerly did away with capital punishment for some time, but afterward were obliged to repeal the law prohibiting it. Now if the house had taken up and passed the Temperance Bill long ago, murders would not be committed. He would consider the state of society to be a most desperate one, where we take away the power of putting a man to death for a most atrocious murder, (hear, hear,) and he would never be found in or out of the house to advocate the principle of allowing men to murder in cold blood and then to seek Executive shelter. Why was it that the Attorney General East should entertain even a doubt about entertaining this motion?²⁸

MR. HARTMAN was in favour of the appointment of the committee to investigate the matter.²⁹ He was fully prepared to adopt the principle laid down in the resolution[s].³⁰

At this stage of the proceedings the Clerk of the Council presented a Message to the effect that the hon. John Ross had been appointed a member of the Parliamentary Library Committee.³¹

MR. FOLEY resumed the debate by stating³² that while he agreed that it was inexpedient at the present moment to abolish the punishment of death, (hear, hear,) he was not prepared to say, that it was not expedient to make some inquiry into the subject.³³ If the committee were appointed, he felt convinced that their report would strengthen the hands of those favorable to the retention of capital punishment.³⁴ He could only express his regret that the leader of the Opposition should wish to prevent enquiry.³⁵

MR. SICOTTE the SPEAKER stated that the hon. mover had just submitted to him a motion in amendment, to the effect that a committee be appointed to enquire into the best means of abolishing the death penalty.³⁶

It being now 6 o'clock, the house took a recess.³⁷

[After the recess,]

MR. FELTON stated in reference to Mr. Huot's motion, that it was the general opinion of both the House and the country, that where deliberate murder had been committed, that the punishment

ought to be death. He also drew attention to the fact, that the proposed system had been tried in the States, and it was found to be impossible to continue it. In certain cases, such as burglary with violence, and arson, where the house was inhabited, the penalty of death might be done away with. He advocated the appointment of a committee for the purpose of having the motion considerably amended, as it was a very important subject, and every light should be thrown upon it.³⁸ He would move in amendment to Mr. Huot's motion that "a committee of seven members be appointed to enquire into the propriety of modifying the laws which provide for the infliction of capital punishment."³⁹ He would much rather that the mover of the original motion should adopt the motion in his own.⁴⁰

MR. HUOT had no objection to do so.⁴¹

MR. FELTON in that case, would be glad to second the motion.⁴²

MR. AT. GEN. DRUMMOND, in French, made a few remarks.⁴³

MR. TURCOTTE said he could not understand any utility in a committee. Everybody had formed their opinion on this subject, and for his part he was altogether opposed to the abolition of the punishment of death. In proof of the impropriety of adopting such a change he gave an account of a murder recently committed at Three Rivers, after the pretended reformatory effect of a detention in the Penitentiary. To keep men from crime it was necessary to make them fear. They feared death because they saw it, and understood it. They did not fear the Penitentiary, because they did not know the difference between working in one place or another.⁴⁴ If a change in the criminal law was necessary, he thought that the Government should assume the responsibility of bringing it forward.⁴⁵

MR. AT. GEN. DRUMMOND would explain the object that he had in view in voting for the appointment of a committee.⁴⁶ The fact cited by Mr. Turcotte might perhaps, if the subject were examined, be counterbalanced by many other facts, and it was well known that crimes had in England decreased after punishment had been rendered light. The most practical men in England, and especially in France, had often been opposed to this punishment; and, even among those who inclined to severity as a means of repressing crime, it was very doubtful whether death was the most severe of punishments. Men had mounted the scaffold like heroes, while they had shrunk from banishment like women. In allusion to a statement by Mr. Turcotte that the criminal he had spoken of had been pardoned in deference to theorists of the Victor Hugo stamp — of the stamp of the Opposition — he said this was too serious a question to be made one of party. It was one to be approached in the sight of God, as a question with respect to life which he gave, and which man could take away, but could not restore.⁴⁷ It was one of the great problems on which human affairs depended; therefore he was anxious to get the opinion of the committee on the subject. He might have expected that such a motion would have met with opposition; but he did not, however, expect that the hon. member for Glengarry would have stood up in his place and opposed the motion in the jocular way he did. It was not a subject that could be treated in such a *vien* [sic].⁴⁸ His opinions in favour of the total abolition of death were somewhat shaken of late years, but⁴⁹ he wished the committee appointed, in order that they might report whether there were not certain cases in which the death penalty might not be done away with; where now the sentence of death was pronounced, and never carried into effect. The hon. member for St. Maurice did not think that the committee could act in this matter, and he also said that the ministers should have come forward with this change in the law.⁵⁰ He (Mr. Drummond) thought that the government should, before bringing in such a measure, find out what was the opinion of the house, on so important a subject. In so doing the Government would be following the precedents of the Imperial Parliament on all such important subjects, and would not in any way be shrinking — as was stated — from bringing forward this matter. There was a matter of great importance that he wished to draw attention to, and

that was that the committee should enquire whether it was true or not that in those States of the Union where the death penalty was abolished, crime increased, and whether the increase of crime in those States was the consequence of abolishing the death penalty. All his life, he (Mr. Drummond) had been against the death penalty in certain cases. He hoped that the motion would pass the House; without any adverse amendments.⁵¹

MR. LABERGE, in French, advocated the abolition of capital punishment; also the appointment of a committee.⁵²

MR. TURCOTTE replied.⁵³

MR. PROV. SEC. CARTIER said that precedents had been quoted by friends of the abolition of the death penalty from the United States, but they must not forget that there were precedents on the opposite side. Michigan had tried this system, but they had been compelled to re-establish the penalty of death. There was the case also of California, which thought of abolishing the death penalty when a territory, but when it became a State, it refused to do so. He was willing, however, to accede to the proposition now before the House.⁵⁴

MR. PAPIN spoke in favor of the abolition of the death penalty.⁵⁵

MR. MARCHILDON thought the law very good as it stood.⁵⁶

MR. CHABOT ... [spoke] in French.⁵⁷

MR. AT. GEN. DRUMMOND was aware of the astonishment which his opinions would elicit. They were, however, those of his life-time and founded on a deep, honest, and sincere conviction of their soundness. Nor did he stand alone in professing such opinions. He would quote the highest authority — that of Sir Robert Peel — in their corroboration. The hon. gentleman then read an opinion delivered by Sir Robert Peel, on this subject, which was to the effect that one great objection brought by foreigners against the criminal law of England was that men were condemned for crime; and the sentences were never executed or intended to be carried into effect. In his (Mr. Drummond's) opinion, it would be a material improvement if in every possible instance we were to erase capital punishment from our statute book — thereby avoiding the mockery of recording sentences which were never intended to be executed. At present, however, public opinion seemed opposed to the abolition.⁵⁸

MR. SOL. GEN. D. ROSS, while voting for a reference, expressed himself in favour of capital punishment. He considered the principle a sound one, that whoso sheddeth man's blood should expiate his crime by death.⁵⁹

The House then divided on the motion that a committee of seven members be appointed to consider the expediency of abolishing capital punishment.⁶⁰

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Mr. *Huot* moved, seconded by Mr. *Charles Daoust*, and the Question being put, That a Committee of seven Members be appointed to inquire into the propriety of modifying the Laws which provide for the infliction of capital punishment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Bell, Bourassa, Brodeur, Bureau, Cartier, Chabot, Chapais, Christie, Church, Cooke, Cook, Cryslar, Charles Daoust, Jean B. Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Attorney General Drummond, Dufresne, Felton, Ferrie, Foley, Thomas Fortier, Frazer, Gould, Hartman, Holton, Huot, Jackson, Jobin, Labelle, Laberge, Lemieux, Loranger, Attorney*

General Macdonald, Matheson, Meagher, Merritt, Mongenais, Joseph C. Morrison, Angus Morrison, Papin, Patrick, Polette, Prévost, Solicitor General Ross, Scatcherd, Solicitor General Smith, Southwick, Spence, Taché, Terrill, Valois, and Young. — (55.)

NAYS.

Messieurs Aikins, Casault, Cauchon, Chisholm, Conger, Desaulniers, Dionne, Dostaler, Evanturel, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Lumsden, McCann, Marchildon, Masson, Murney, O'Farrell, Poulin, Pouliot, Powell, Price, Robinson, Roblin, Sanborn, Shaw, Somerville, Stevenson, Thibaudeau, Turcotte, Wright, and Yeilding. — (34.)

So it was resolved in the Affirmative.

Ordered, That Mr. Huot, Mr. Loranger, the Honorable Mr. Attorney General Macdonald, the Honorable Mr. Cameron, the Honorable Mr. Attorney General Drummond, Mr. Papin, and Mr. Polette, do compose the said Committee.⁶¹

MR. MACKENZIE rose to submit the motion of which he had given notice at the opening of the session, to *Resolve* "That the best interests of Upper and Lower Canada would be promoted by a repeal or dissolution of the political or legislative Union now subsisting between these sections of the Province of Canada." He said a complaint was made last session when he brought forward this motion, that it was too late in the session, there was no time to discuss it.⁶²

[Members] from Lower Canada⁶³: Oh! Move, move!⁶⁴

[MR. MACKENZIE continued:] If honorable gentlemen from Lower Canada will not allow members to speak, and argue, and discuss questions, it would be as well to say at once that we have no freedom of speech here, that this is in fact not a deliberative assembly at all. (Question, question, — move, move.) He would move when he had told them why he wished the Union that now existed to be dissolved, that they might move off and legislate for themselves in more congenial quarters. It was very evident that Upper and Lower Canada were essentially different in almost every sense. Upper Canada was essentially an English Colony, and had at an early period of its history given one-seventh of the entire land of the Province to the support of the Protestant religion and education. Lower Canada was essentially a Catholic country, and had given large portions of its resources to the support of the Catholic religion. The two countries are as essentially different in language, manners, customs, laws, and every thing that constitutes a country, as they possibly can be. The French cling to their old tenures, old measures of capacity, to the ancient custom of Paris, which France 50 years since wisely laid aside for the code of Napoleon. Upper Canada clings to the Common Law, and to English institutions, like the rest of this continent, Louisiana [sic] alone excepted. The result of a union between two such countries is, that many of the privileges we formerly enjoyed are taken away. He would briefly refer to some of the legislative difficulties that have been caused. In the Assembly, before the Union, they had the power of fixing their quorum at any number they pleased, but by a violation of good faith that safeguard is entirely destroyed. Twenty members of our one hundred and thirty, the other 110 being absent, can sit as if they were the legislature; and the vote of any ten of them binds united Canada, and can legislate for us. A specimen of the effect of this fraud upon legislation was given in the vote of the Legislature upon⁶⁵ the sectarian clauses of the school bill passed last session.⁶⁶ The archbishop, bishops and priests of the Catholic Church were determined to legislate for us in Upper Canada upon our school matters, and all they had to do was simply to wait until the greater part of the Upper Canada members had left that cold region, and then they had it all their own way. He had never voted, nor even attempted to take away any of their privileges, and he did not wish his own taken away, for this reason he wished a Dissolution of the Union. In France, at Washington, at Albany, at Columbus, everywhere but here, the quorum or number who could sit and legislate was a majority of the elected. Without that there is no check. In 1836 the Quorum in Lower Canada was 42, and in Upper Canada 23. In 1856, with thrice the population, it is but 20 in an assembly of both. It was evident that the consummation of that union was an act of bad faith, because they were united upon unjust principles. This Union takes away from the

Legislature the power over our finances. That power is wielded by ten or a dozen gentlemen, some of whom may be even like the hon. member for the village of Niagara, afraid to go back to their constituents. What was Lord Durham's advice? and that noble person was a blessing to this country; a gentleman who possessed every advantage that family, education, and high connexions could give him. No man could have been better fitted to give advice. He was a man of genius, a kindly man, and wished well to Canada. What did he say regarding this Union? Lord Durham said that out-numbering the French, was in his opinion less an object than the giving the people just and equal representative institutions. Yet the French gentlemen at Quebec complained that they were cheated out of their rights, and they sent their advertisements to the St. Catherine's papers, and the Toronto papers, and other journals in Upper Canada, declaring that it was representation by population they wanted. But with the exception of Mr. Papineau their leader, a gentleman whom they threw aside for very inferior and less able men, they have all given up that principle, now that Upper Canada is in the ascendancy. Mr. Papineau said, — "Surely if we are to have a Union, it must be based on this principle, that where the people are, there the representation must be."⁶⁷ But the first dissolution they should have at present was a dissolution of this House, and let them all be sent back to their constituents. He understood that an amendment was to be proposed to his motion. He regretted that any amendment should be proposed, merely to give his motion the go by, by bringing up a discussion relative to a mixture of Upyer [sic] and Lower Canadian interests, with those of the other colonies.⁶⁸ Let us have a fair vote upon this motion, and if the people say by their representatives that they want such an Union as we have got, why let them have it. He was speaking for the county which he represented, and by the authority of its county council. They meet at Cayuga and say, we want a dissolution of the Union. He was, therefore, simply stating their request. He understood that the French clergy of Lower Canada opposed the principle of representation by population because it might end in the selling off [of] all their immense church property, as the Upper Canada church property had been sold. He had no doubt that it would end in this; because if the politicians go on as they are now doing, and had been doing for sometime past, nothing else could be expected. Our debt is now enormous, and Upper Canada pays five-sixths of the common charges of government and of the interest. Persons are sent to all parts of the country upper [sic] the name of collectors, and custom house people, with large salaries, while they have little or nothing to do for them. Is the Parliament consulted in this? No. Had he any thing to do with these matters he would find ample means of keeping up the public revenue without putting [sic] any additional taxation upon the people. (Hear, hear.) He would enforce strict accountability and economy, and send idle drones out of the hive. But neither in one thing nor another is there any economy. Half the time of their meetings is hindered in listening to French speeches, which neither the people nor the Upper Canada members understand, and it is the same when in Quebec; there one half of the time is taken up with English speeches which people from [t]here did not understand. He wanted to put a stop to this sort of thing. Let the French members go back to their ancient capital and legislate in their own way, upon their own affairs, and leave Upper Canada members here to mind our own business. Another portion of their time was taken up with bills of which they had no knowledge whatever, because the Municipal systems of the Provinces were entirely different. In the county of Haldimand the jurors not only do not get a farthing of pay — but they pay the French jurymen in Lower Canada. They built [the] Cayuga jail and court house, and they pay their jailer and sheriff, and then they have to build jails and pay sheriffs and jailers all through Lower Canada. He did not like that.⁶⁹ The whole expenses of the country were swelling up every year, under the present system, and the people had to pay for it.... We had run up \$20,000,000 of debt in three years, a debt equal to that of the English monarchy when Queen Anne took possession of the throne⁷⁰ — and even that cannot keep pace with our extravagance, for we have the prospect of an increase of 25 per cent. to the custom duties, in consequence of having uninfluential incapable men to manage our affairs. Their leader comes forward and says he wants to put more taxes on the people. He [Mr. Mackenzie] believed they would be worse off as to means than they were in 1837, when discontent was so very general, when the Government was bankrupt and mechanics were leaving the country to find employment elsewhere, and when Governor Head compared our

country to a girdled tree with its drooping branches. French influence and French connexion would do that for us. We must pay so many thousands for the purpose of getting steamboats to come to Portland, to promote British interests! We must have steam-tugs at an immense cost to bring the trade up the St. Lawrence, open as it is half the year, and then we must have Trunk railways and Caughnawaga canals, to carry the trade away from the St. Lawrence! Then they must have an eight million Bridge at Montreal, and Upper Canada must pay for it. Lower Canada, he was sure, did not contribute more than one-sixth of the revenues of the Province, while they give 65 votes;⁷¹ and they place you in the chair, Mr. Speaker, to give your opinion, as you do so gracefully⁷², as to what we Upper Canadians can and can't do, and when and how we are to do it. The French members had deserted the principles of their old leader. Mr. Papineau was the truest leader ever the French Canadians had. Had they a dissolution of the Union there would be much less local jobbing in connexion with the public works: that would be stopped. The Inspector General knows very well that there is no need of £100,000⁷³ [OR] £190,000⁷⁴ being paid to collect the revenues. He knows very well that this Grand Trunk was a regular *home* for every idle man whom the executive wanted to hire, being taken out of the control of the people of this country. We have a man who comes here regularly to visit us — a Mr. Baby — a person whom he recollected as a small grocer at Albany — a man with no interest in the country, and who may have added to his grocery another occupation, that of a reporter of the doings of the exiles — yet he comes here and gets his haul from the public money at the rate of a million or a million and a quarter of dollars in short time. He did not say that any of the members of any Government got their share of this, but he very shrewdly suspected they might have an interest. (Cries of hear, hear.)⁷⁵ Then there were the landing piers below Quebec, and the only use of them was to pay a number of Frenchmen to look after them.⁷⁶ Then as to the Banks. The Inspector General and his friends keep nearly four millions of dollars in the bank and British 3 per cents, and paying no interest at all, while we are borrowing in London at 6 per cent., and a new tax of 25 per cent. on all our imported goods, on the average, is to be levied from us. Before the Union the Upper Canada Legislature met in the morning at 9 or 10 o'clock, and then commenced the business of the day. But now our legislature is all of the midnight kind. The extent of territory was too great for one municipal or local government — no one settled province 1800 miles long, except Canada, is to be found on the earth — even Australia is divided into four governments; and the two Provinces being entirely different in their institutions, it was very evident that a dissolution of the Union must take place. When he saw the dominance of the priest party in Lower Canada⁷⁷, when he heard of thirteen unoffending Protestants in Montreal being shot down in cold blood, when he saw the jeering and mockery with which the Corrigan murder was treated even by the Judge on the Bench,⁷⁸ and the crimson stains and other evidences of riot and bitter strife in the Free Presbyterian Church, Quebec, he said, certainly it is time the Union was dissolved. The Attorney General East, himself, said it was a foul murder, that of Corrigan, and there never was one more clearly proved — and yet justice was mocked. He had no unkind feelings against Lower Canada. He would do them a good service if he could, and he had done them service already. But he wished the Union abolished. Did not we of Upper Canada vote 10 to 1 to abolish the Court of Chancery as a separate tribunal — did not the French vote us down, and did not Mr. Baldwin break down [the] next day? What business had Lower Canada members with our Court of Chancery? What good is in this French domination — a domination by numbers if not by intelligence?⁷⁹

MR. SICOTTE the SPEAKER. — Order.⁸⁰

MR. MACKENZIE. — Well a domination by numbers more than by intelligence. Britain had got back to peace once more, and he hoped this subject would be brought before the British Parliament. We will call upon our countrymen at home to give us equal justice. Let petitions be sent from this country, and let lecturers be sent over to London, to tell the people there our position and our wrongs. Our interests are English interests, and we will get justice there; but he would far rather have justice

here, although he had no expectation of getting it.⁸¹ Governor Head was of opinion that Celts like him (Mr. Mackenzie) and the French were an inferior race. Should not the inferior race, then, be separated from the inferior? He did not like an amalgamation of black and blue and green, French and Saxons, Indians and savages.⁸²

MR. SICOTTE the SPEAKER. — Order.⁸³

MR. MACKENZIE. — Very well, Mr. Speaker, no one can more easily step from one stone to another when crossing a ford. We want a home made constitution for Upper Canada. We should frame a constitution for ourselves, and send it home to England that they may see whether there is anything in it contrary to their interests, or opposed to human freedom and progress. He would meantime like to see a dissolution of this House within 24 hours. That they might all be sent back to their constituents under the extended franchise, for he believed they neither represented the interests, nor the feelings, nor the justice of this country. The country is progressive. Are we progressive? What do we say or do for good in the distant future? nothing — nor never [sic] will under our present system. When the election of 1854 took place suddenly, through an artful trick, by gross deception, in the very midst of harvest was the new elections held, and half the legal voters⁸⁴ [OR] one-fourth of the people⁸⁵ thus cheated out of their right to vote. In order to prevent their getting the power to vote, the dissolution was got up before the law came into effect. The electors⁸⁶ of the hon. member for Peterboro gave 2300 votes more in ... [1856] than in 1854. The votes for Renfrew were 1050 more..., and some constituencies that gave before 800 or 900 would now give thousands. He would go back to his constituents and tell them how he had voted; and he would tell them too how the ex-Speaker⁸⁷ (Mr. Sandfield Macdonald) and Messrs. Clark[e] and Larwill and Supple had voted — voted to send the legislature away down to the cold and dangerous region of Quebec. For his part he would rather stop where he was and let Lower Canada commence again her old career of freedom at Quebec under the banner of Louis Joseph Papineau.⁸⁸ Let them have a dissolution of the Union, and then they would see what would come next. The administration of justice should be paid by Lower Canada as it was by Upper Canada. They tell us they are equal to us and he was willing that they should be so; but while the administration of justice cost \$200,000 it was not right that Upper Canada should pay \$150,000 of that⁸⁹ [OR] while the administration of justice cost \$400,000 it was not right that Upper Canada should pay \$350,000 of that. He voted to give the Lower Canada farmers seed wheat, but while we gave them \$20,000 a year to buy seed wheat, they have no right to send their representatives here to prevent us getting fair play and equal rights and votes according to our number, on this floor, to tell us in fact that we are a degraded people. He was not the man to sit quiet under such a state of things. But not only had they seed wheat to pay for to help the tenants, but they had to pay \$1,800,000 to the French landlords, and who pays? Upper Canada, for she raises the bulk of the revenue. Then the expense of government in consequence of moving about, and in other ways has increased ten-fold by the Union. Was not half our time taken up with French local business that should be settled by the municipalities, without troubling the Legislature at all? The Governor is recommending to us to spend £300,000 to build a fine legislative castle at Quebec, where, and at Montreal, four had been burnt. The best way was for the French gentlemen to build their castles as nice as they could, and go down to them, and not come up here to put their hands into our pockets and also vote to send us down to that cold region. Then see the waste of money for official advertising; it must be in both French and English; the laws, the journals — works as large as a folio family Bible, put into their hands every year, and they must be in French and in English. They must try another system. This principle was growing; he had no idea what would be the vote now, but while in 1853 there was only two votes, while, in fact, the mover of a dissolution could scarcely get a seconder, in 1854 there were from 20 to 25 votes, without even a speech upon the subject.⁹⁰ He did not want to weary the House, but he did not like it to go forth to the country that he was put down without a hearing. The hon. gentleman here made some remarks in regard to the Victoria Bridge and the canals⁹¹. Why should we have had to pay twenty millions of dollars for a road to Portland, when we could get to New York

or Boston without paying a penny?⁹² [OR] Why should we of Upper Canada be bound for railways from Portland, a United States seaport, to Montreal and Quebec — 3 or 4 million dollars — besides an eight million bridge at Montreal? Why should the canal tolls be nominal, and the collection and accountability more imaginary than real?⁹³ His hon. friend from Montreal wished to make [them] profitable to the country if the Government would allow him. He then referred to the customs' revenue: the Toronto customs' returns were £140,000, and this cost in collection only about £3,000; while the 25 custom houses of Lower Canada, including Quebec, collect about \$150,000, and the cost of collection is four times that of collecting all the moneys at Toronto.⁹⁴ [OR] The Toronto city customs' returns were £152,000, and the cost in collection only £4,000; while the 23 custom houses of Lower Canada, including Quebec, collect about £87,000, and the cost of collection is four times that of collecting all the moneys at Toronto.⁹⁵ Was there to be no principle upon which such things were to be conducted — were they to be always under the domination of French masters? Then in reference to the Deaf and Dumb Institution: a vote of money had been given⁹⁶ in 1853 for a Deaf and Dumb Institution; why had they not got it? because it was not to be in Lower Canada; and if we ask what becomes of our money, we are voted down. There is no difficulty in voting \$21,000 for Durham Terrace, Quebec, but we of Toronto are grudging a share of our own means. What was Government doing?⁹⁷ There are no economical propositions offered, nor will they allow any one to propose such measures. His hon. friend, the member for Compton, whom he would always respect,⁹⁸ brought in a temperance bill — two-thirds of the Upper Canada representatives voted for it, and thousands of the people petitioned for it; but two-thirds of the Lower Canadian gentlemen voted it down; and you, Mr. Speaker, declared that we could not begin again; but had Upper Canadians, been by themselves, they would have been saved the trouble of discussing about the riots and disturbances, and the blood which has been shed; for whiskey and rum and brandy are the cause of it all. Because she hated the Maine law, he wanted to get rid of Lower Canada. There was a deficiency in the Post Office revenue of some £40,000⁹⁹ [OR] £50,000¹⁰⁰; Upper Canada had paid nearly \$850,000 for Lower Canada Rebellion Losses; the money spent in Custom Houses and Piers at and below Quebec is all lost, not a farthing will ever be returned. The annual waste of money in supporting idleness on the Canals; the sums lost to the people by the Clergy Reserves Act; the money wasted by the perambulating Government can never be recalled, and who but the careless Lower Canadians are to blame?¹⁰¹ Last year the Parliament gave the priests \$90,000 for sectarian colleges, to teach man to hate man. That was another reason why he wanted to part company with them. Mr. Mackenzie then quoted with approval a speech by Sir Allan MacNab in 1849, complaining that Upper Canada was suffering under the domination of French masters. He was glad to follow the lead and re-echo the sentiments of the head of the Government in this instance¹⁰²: "He (Sir Allan,) did not make the statement rashly; he knew the people of Upper Canada as well as any man: and he would tell them that there was an opinion gaining ground rapidly in Upper Canada, that by the truckling of their representatives, they were placed under the dominion of French Masters. They were convinced of that fact from the submission of the Upper Canadian Reformers in the House to French Influence, when that influence was adverse to the interests of the people they were sent to represent. It so happened that the Union had completely failed in its object. It had been intended for the purpose of reducing the Lower Canadians to the domination of the British Canadians, (Hear, hear,) and the very contrary effect had been brought about. That party (Upper Canada,) whom it was intended to benefit, were reduced to be serfs of the other. He warned the Ministry, (Messrs. Baldwin, Morin, Tache, & Co.,) that the course they were taking was likely to drive the people of Upper Canada to desperation, and to make them feel thankful that if they were to be ruled by foreigners (Hear, hear,) it would be more for their benefit to be ruled by a neighboring and kindred people (meaning the United States,) than by those with whom they had no alliance, either in blood, language, or interest," (meaning the French Canadian Catholics.)¹⁰³ The gallant knight delivered these opinions immediately before the Legislative Halls were burnt at Montreal, and just before annexation times there. The great burning followed, and the province

was bound for \$800,000 obtained by the Lower Canada landlords. So too at the fire at Quebec; they got £85,000 of a loan in province 6 percent bonds when a fire occurred, and no Government dare to demand either principal or interest. Upper Canada chiefly pays the £5,000 a year for this French bounty, but never since 1791 was a shilling lent to an Upper Canada town because of a fire. Before 1841 we seemed to vote away our own money, but the Union brought us an order from a London Parliament to take nearly \$400,000 of our money without our consent to pay pampered officials whom we could neither appoint nor remove — this, too, came of French subservience and French connexion. Would Englishmen consent that England should be ruled from Washington as we are by the French minority, through the British juggle of a dishonest act of parliament? Never! and why should we? Why should we pay a heavy tax, levied at every door in U.C. to keep up Asylums, paying the cost of our lunatics, and also the French hospitals? Why should we pay heavy sums to French sectarian charities of which we know nothing? Why should we pay £30,000 to make Lower Canada roads, beside £60,000 to Quebec, £50,000 to Montreal, and £20,000 to the Chambly turnpike, getting nothing back, while their wild lands last year brought £3000, and ours £63,000? The union act did this for us. Repeal and a Convention would give us fixed times of election, shorter parliaments, fixed times of meeting in the legislature, and Cornwall and Niagara which now send two members with only 12,000 people between them, while Peel county, with 25,000, only sends one, would be more equitably apportioned. We have nothing in common with Lower Canada but the great river. Mr. Papineau says that repeal is much sought for by Lower Canada, and the member for Lambton believes a majority here leans that way. So thought Mr. Mackenzie. He had tried to get a free marriage bill through, but the French clergy murmured. England, France, Scotland, Sardinia and Ireland, could have marriages celebrated as a civil contract, with civil registries — but in L.C. it is a perquisite of the clergy.¹⁰⁴ He went heartily for a Dissolution of the Union, and wished to send all the French members back to Quebec, and he would be most happy to ship along with them the Postmaster General and all his colleagues. (Laughter.) He was told that a certain exalted personage had made a great speech to-night at the St. George's Dinner in favour of the union, and if his Excellency — (Order!) — well, if any body had given as strong arguments for the Union, as he (Mr. Mackenzie) had given against it, the people of Upper Canada might be contented. But he scarcely believed that such arguments could be produced.¹⁰⁵ The honorable member concluded by moving ... [his] motion¹⁰⁶.

MR. PROV. SEC. CARTIER, said the Government were desirous that this question should be discussed upon its own merits, and in order that the attention of the House might not be drawn away to any other issue, he would move the previous question.¹⁰⁷

MR. HOLTON said there was no use to attempt to prevent a discussion upon other matters connected with this question by moving the previous question. It might have been as well to allow the discussion to go,¹⁰⁸ and to secure a proper discussion on a future day, which was impossible at this late hour, he moved that the house do now adjourn.¹⁰⁹

MR. AT. GEN. J.A. MACDONALD explained that the object of the Provincial Secretary's motion was to obtain a distinct vote on the question submitted by Mr. Mackenzie, unembarrassed by any amendments.¹¹⁰

MR. BROWN agreed in the propriety of bringing a question of this kind to a direct issue, but it was clear that, if the Provincial Secretary persisted in his motion, there would be another debate of the same character brought up in some other way. It would save the time of the house if the Hon. Provincial Secretary would withdraw his motion.¹¹¹

The house then adjourned..., the debate on Mr. Mackenzie's motion remaining as the first order of the day for to-morrow.¹¹²

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Mr. *Mackenzie* moved, seconded by Mr. *DeWitt*, and the Question being proposed, That that best interests of *Upper and Lower Canada* would be promoted by a repeal or dissolution of the Political or Legislative Union now subsisting between these Sections of the Province of *Canada*.

The Honorable Mr. *Cartier* moved, seconded by Mr. Solicitor General *Smith*, and the Previous Question being proposed, That that Question be now put;

On motion of Mr. *Holton*, seconded by the Honorable Mr. *Young*,
The House adjourned.¹¹³

Appendix

[NOTICE OF MOTION FOR AN ADDRESS RE: CLERGY RESERVES.]

MR. MACKENZIE [gave notice that he would move an] Address, for a Return shewing the names of the parties for whom a new "Reserve Fund for uncommuted Stipends, Widows' Annuities, &c.," of £44,441 7s. 10d., is assumed [sic] or proposed to be set apart in page 241 of the Public Accounts, for Upper Canada, and of £1,904 13s. 9d. in Lower Canada; also a statement of all moneys paid out of the proceeds of the Clergy Reserves in Upper and in Lower Canada to any Church, Religious Denomination or individual, or on any account whatever, during the fiscal year 1855, and down to as late a date in 1856 as possible; together with copies of any correspondence between the Government and parties affected by the above named reservation of money.¹¹⁴

[NOTICE OF MOTION FOR AN ADDRESS RE: VOLUNTEER MILITIA.]

MR. MACKENZIE [gave notice that he would move an] Address for ... a Return of the expenditure in detail of £10,000 for the arming and equipment of a volunteer militia, stated to have been expended by the Receiver General, last year, out of Consolidated Fund. Accounts, page 109.¹¹⁵

[NOTICE OF MOTION FOR AN ADDRESS RE: UNEXPENDED AMOUNTS OF THE PUBLIC REVENUE.]

MR. MACKENZIE [gave notice that he would move an Address for] a Return shewing severally all grants, supplies or appropriations of the public revenue, or balances thereof, in 1855, and previous years, yet unexpended.¹¹⁶

[NOTICE OF MOTION FOR AN ADDRESS RE: PARIS EXHIBITION.]

MR. MACKENZIE [gave notice that he would move an Address for] a Return shewing in detail and in one view, the whole expenditure upon the Paris Exhibition, including whatever sums may be due to parties, if any, for which there is no legal appropriation made.¹¹⁷

[NOTICE OF MOTION FOR AN ADDRESS RE: PUPILS OF MONTREAL HIGH SCHOOL AND QUEBEC HIGH SCHOOL.]

MR. MACKENZIE [gave notice that he would move an Address for] a Return shewing the names and residences of the 30 pupils, in 1854 and 1855, for whose gratuitous instruction at the High School of

Montreal, £564 were paid W.S. Burrage last year from the public chest, and the like information as to the pupils taught by D. Wilkie, Quebec, for 1855, for whom £181 4s. 6d. were thus paid.¹¹⁸

[NOTICE OF MOTION FOR AN ADDRESS RE: EXPENDITURES FOR EDUCATIONAL PURPOSES.]

MR. MACKENZIE [gave notice that he would move an Address for] a statement in detail, except in so far as it may have been already communicated, of the expenditure of £1063, £1500, £1000, £200, £1000, £500, £1000, £2500, £350, £250, and £3500, stated in the Public Accounts, page 96 to page 100, to have been paid to Dr. Ryerson for salaries and contingencies of Normal School[s], to facilitate attendance of teachers in training, to procure plans, for further aid to Normal and Model Schools, for the purchase of Books, Models, &c., for a Model Grammar School, for Assistant Librarians, for establishing and extending public libraries, and stating the names of the superannuated teachers for whom £1000 were paid, the sums they receive, and the principle upon which they were pensioned.¹¹⁹

[NOTICE OF MOTION FOR AN ADDRESS RE: PENSIONERS.]

MR. MACKENZIE [gave notice that he would move an Address for] a statement in detail of £7878 16s. 6d. payments to Enrolled Pensioners, and of £1825 compensation to them, shewing who were paid and their places of residence.¹²⁰

[NOTICE OF MOTION FOR AN ADDRESS RE: FRANÇOIS BABY.]

MR. MACKENZIE [gave notice that he would move an Address for] a statement shewing the several charges against the public [revenue], in the fiscal year 1855, by François Baby, and shewing the nature and extent of the services rendered, with the payments severally made to that contractor, distinguishing those services which were the result of public competition, and stating what services he rendered the Trinity House, Quebec.¹²¹

[NOTICE OF MOTION FOR AN ADDRESS RE: QUEBEC TRINITY HOUSE.]

MR. MACKENZIE [gave notice that he would move an Address for] an account in detail of the salaries, contingencies, and debts for which £10,000 and £6,332 16s. 3d. were paid the Trinity House, Quebec, in 1855, with any reason the Board of Public Works can offer, why it could not superintend light houses and other public business entrusted to the two Trinity Houses, so called?¹²²

[NOTICE OF MOTION FOR A COMMITTEE RE: ONTARIO, SIMCOE AND HURON RAILWAY COMPANY.]

MR. MACKENZIE [gave notice that he would move] that a Committee of five Members be appointed to examine the books of account of receipt and expenditure, and to enquire into the proceedings of the Ontario, Simcoe and Huron Railroad Union Company, with their tariffs of charges, and report to the House their views of the actual condition of that Corporation; and that any petitions before the House for enquiry into its conduct, be referred to said Committee.¹²³

[NOTICE OF MOTION FOR A COMMITTEE RE: MARRIAGE LICENSES.]

MR. MACKENZIE [gave notice that he would move] that a Committee of three [members] be appointed, with instructions to bring in a Bill to reduce the wholesale price of Marriage Licenses to issuers, from \$4 to \$1.¹²⁴

Footnotes

1. *Toronto Daily Leader*, 24 April 1856.
2. *Ibid.*
3. *Globe*, 25 April 1856.
4. *Ibid.*
5. *Ibid.*
6. *Toronto Daily Leader*, 24 April 1856. *Globe*, 25 April 1856, reports that Mr. Brown "spoke for more than an hour".
7. *Toronto Daily Leader*, 24 April 1856.
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. *Ibid.*
12. *Ibid.*
13. *Ibid.*
14. *Toronto Daily Leader*, 24 April 1856. *Mackenzie's Weekly Message*, 25 April 1856, reports a short commentary written by Mr. Mackenzie himself, in which he strongly contests the Speaker's decision. He writes: "I moved to amend the address to Sir E. Head so as to make population the basis of apportionment in both houses — no division of the question took place — and since then, the principle, as far as the Legislative Council is concerned, has been trampled on; but that a fair distinct vote would be denied, by a decision of the Speaker (Sicotte) that it was the same as I had made, was to me as unexpected as it was clearly unjust and unfair. It was Monsieur Sicotte on the Maine Law of last session renewed."
15. *Globe*, 24 April 1856.
16. *Toronto Daily Leader*, 24 April 1856, reports that this message was delivered to the House in the course of the subsequent debate on capital punishment.
17. *Globe*, 25 April 1856.
18. *Ibid.*
19. *Toronto Daily Leader*, 24 April 1856.
20. *Globe*, 25 April 1856.
21. *Ibid.*
22. *Ibid.*
23. *Ibid.*
24. *Ibid.*
25. *Ibid.*
26. *Ibid.*
27. *Ibid.*
28. *Ibid.*
29. *Ibid.*
30. *Toronto Daily Leader*, 24 April 1856.
31. *Ibid.*
32. *Ibid.*
33. *Globe*, 25 April 1856.
34. *Toronto Daily Leader*, 24 April 1856.
35. *Globe*, 25 April 1856.
36. *Toronto Daily Leader*, 24 April 1856.
37. *Globe*, 25 April 1856.
38. *Toronto Daily Leader*, 24 April 1856.
39. *Globe*, 25 April 1856.
40. *Toronto Daily Leader*, 24 April 1856.
41. *Ibid.*
42. *Ibid.*
43. *Globe*, 25 April 1856.
44. *Ibid.*
45. *Toronto Daily Leader*, 24 April 1856.
46. *Ibid.*
47. *Globe*, 25 April 1856.
48. *Toronto Daily Leader*, 24 April 1856.

49. *Globe*, 25 April 1856.
50. *Toronto Daily Leader*, 24 April 1856. There is no evidence in any of the reports of this debate that the member for St. Maurice, Mr. Desaulniers, addressed the House. However, the opinions spoken of by Mr. Drummond correspond to the points of view expressed by Mr. Turcotte, whose speech precedes that of Mr. Drummond.
51. *Toronto Daily Leader*, 24 April 1856.
52. *Ibid.*
53. *Ibid.*
54. *Globe*, 25 April 1856.
55. *Toronto Daily Leader*, 24 April 1856. *Globe*, 25 April 1856, specifies that Mr. Papin spoke in French.
56. *Toronto Daily Leader*, 24 April 1856. *Globe*, 25 April 1856, specifies that Mr. Marchildon spoke in French.
57. *Globe*, 25 April 1856.
58. *Toronto Daily Leader*, 24 April 1856.
59. *Globe*, 25 April 1856.
60. *Toronto Daily Leader*, 24 April 1856. In a short commentary, *Western Planet*, 1 May 1856, notes that Mr. Huot's motion was "chiefly [debated by] Lower Canadians and in French".
61. *Montreal Gazette*, 30 April 1856, in a commentary on this debate, reports that "some wags named Mr. Marchildon upon the Committee, and he received a sufficient number of votes to elect him, but his name was struck out by the Speaker under the rule which prevents any man sitting on a Committee who opposed its appointment.... He was particularly indignant at this treatment, and talks about having that rule abolished."
62. *Mackenzie's Weekly Message*, 2 May 1856. *Mackenzie's Weekly Message*, 25 April 1856, in a commentary, notes that this member rose to press his motion "at ten o'clock".
63. *Toronto Daily Leader*, 25 April 1856.
64. *Mackenzie's Weekly Message*, 2 May 1856.
65. *Ibid.*
66. *Globe*, 25 April 1856.
67. *Mackenzie's Weekly Message*, 2 May 1856.
68. *Toronto Daily Leader*, 25 April 1856.
69. *Mackenzie's Weekly Message*, 2 May 1856.
70. *Globe*, 25 April 1856.
71. *Mackenzie's Weekly Message*, 2 May 1856.
72. *Toronto Daily Leader*, 25 April 1856.
73. *Mackenzie's Weekly Message*, 2 May 1856.
74. *Globe*, 25 April 1856.
75. *Mackenzie's Weekly Message*, 2 May 1856.
76. *Globe*, 25 April 1856.
77. *Mackenzie's Weekly Message*, 2 May 1856.
78. *Globe*, 25 April 1856.
79. *Mackenzie's Weekly Message*, 2 May 1856.
80. *Ibid.*
81. *Ibid.*
82. *Globe*, 25 April 1856. *Montreal Gazette*, 28 April 1856, which otherwise copies *Globe* reports a slightly different statement, as follows: "Governor Head was of opinion that celts like hon. Mr. McKenzie and the French were an inferior race — should not the superior race then be separated from the inferior."
83. *Mackenzie's Weekly Message*, 2 May 1856.
84. *Ibid.*
85. *Toronto Daily Leader*, 25 April 1856.
86. *Mackenzie's Weekly Message*, 2 May 1856.
87. *Toronto Daily Leader*, 25 April 1856.
88. *Mackenzie's Weekly Message*, 2 May 1856.
89. *Toronto Daily Leader*, 25 April 1856.
90. *Mackenzie's Weekly Message*, 2 May 1856.
91. *Toronto Daily Leader*, 25 April 1856.
92. *Globe*, 25 April 1856.
93. *Mackenzie's Weekly Message*, 2 May 1856.
94. *Toronto Daily Leader*, 25 April 1856.
95. *Mackenzie's Weekly Message*, 2 May 1856.
96. *Toronto Daily Leader*, 25 April 1856.

97. *Mackenzie's Weekly Message*, 2 May 1856.
98. *Toronto Daily Leader*, 25 April 1856.
99. *Mackenzie's Weekly Message*, 2 May 1856.
100. *Toronto Daily Leader*, 25 April 1856.
101. *Mackenzie's Weekly Message*, 2 May 1856.
102. *Globe*, 25 April 1856.
103. *Toronto Daily Leader*, 25 April 1856.
104. *Mackenzie's Weekly Message*, 2 May 1856.
105. *Globe*, 25 April 1856.
106. *Toronto Daily Leader*, 25 April 1856.
107. *Toronto Daily Leader*, 24 April 1856.
108. *Ibid.*
109. *Globe*, 25 April 1856.
110. *Ibid.*
111. *Ibid.*
112. *Ibid.*
113. *Globe*, 25 April 1856, reports that the House adjourned "at half-past eleven".
114. *Mackenzie's Weekly Message*, 25 April 1856. The notices of motion reported in this newspaper are arbitrarily inserted in this day since the paper does not specify the exact date they were put on the notice paper.
115. *Ibid.*
116. *Ibid.*
117. *Ibid.*
118. *Ibid.*
119. *Ibid.*
120. *Ibid.*
121. *Ibid.*
122. *Ibid.*
123. *Ibid.*
124. *Ibid.*

THURSDAY, 24 APRIL 1856

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THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Cook*, — The Petition of *Benjamin Holmes* and others, of the County of *Oxford*.

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By Mr. *Jackson*, — The Petition of *Paul Dunn* and others, Bailiffs of Division Courts in the County of *Grey*.

By Mr. *Frazer*, — The Petition of *William Biggar*, senior, and others, of the Township of *Stamford*.

By Mr. *Bourassa*, — The Petition of *Thomas Caldwell* and others, of the Parish of *St. Jean L'Évangéliste*.

By Mr. *Hartman*, — The Petition of *Joseph Wood* and others, of the Township of *King*; and the Petition of *Robert Johnston* and others, of the Townships of *Georgina* and *Brook*.

By Mr. *Wright*, — The Petition of *George B. Dickson* and others, of the Townships of *Vaughan* and *Markham*; and the Petition of *Joseph Briggs* and others, of the Township of *Arran*.

By Mr. *Southwick*, — The Petition of *Levi Fowler* and others, of the County of *Elgin*; the Petition of *Robert Blackwood* and others, of the County of *Elgin*; the Petition of *R. W. Travers* and others, of the County of *Elgin*; and the Petition of *Alexander Pollock* and others, of the County of *Elgin*.

By Mr. *Munro*, — The Petition of *John Walker* and others, of the Township of *Clarke*; and the Petition of *J. Simpson* and others, of the Township of *Darlington*.

By Mr. *Clarke*, — The Petition of *John Powell* and others, Registrars in *Upper Canada*.

By the Honorable Mr. *Merritt*, — The Petition of the Honorable *John Young* and others.

By Mr. *Brown*, — The Petition of *F. Fergusson* and others, of *Peterborough* and vicinity.

By Mr. *Yeilding*, — The Petition of *Michael McLaughlan* and others, of the Township of *Hull*.

Pursuant to the Order of the day, the following Petitions were read: —

Of the Municipality of the Parish of *St. Gervais*; praying for certain amendments to the Municipal and Road Act of 1855.

Of *W. McFadden* and others of the County of *Northumberland*; praying that means may be adopted to prevent the unnecessary expenditure of the endowment of King's College.

Of *E. Willcox* and others, of the Township of *Whitchurch*; of *Arthur Burnet* and others, of the Township of *South Dumfries*; and of *John Dunn* and others, of the Town of *Stratford*; praying that Representation may be based upon Population.

Of the Municipality of the Parish of *Ste. Geneviève de Batiscan*; of the Reverend *J.O. Archambault* and others, of *St. Timothée*, County of *Beauharnois*; of *William Mountain* and others, of *Durham*, County of *Drummond*; of *Octave Regnier* and others, of *Pointe aux Trembles*; of *R. Turcotte* and others, of *Rivière des Prairies*; and of *M. Lemonde* and others, of *St. Jean Baptiste de Rouville*; praying that no further guarantee may be given to the Grand Trunk Railway Company.

Of *A. Lamothe* and others, of the Parish of *Ste. Melanie de Daillebout*; praying for certain amendments to the Act incorporating *L'Assomption River and Railroad Company*.

Of the School Commissioners of the Municipality of *Stadacona*, District of *Quebec*; praying for aid to erect a School House.

Of *Henry Blake* and others, of *Côte St. Francis* and *St. James*, in the Township of *Sherrington*; praying aid for a Road.

Of the Reverend *J.T.O. Archambault* and others, of *St. Clément*, and other Parishes, County of *Beauharnois*; praying that a Commission may be appointed to inquire into and to settle

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what indemnification shall be given them for damage done to their property by the *Beauharnois* Canal.

Of *F. Préfontaine* and others, of *Durham*; praying aid to open out a Road in the south part of the Township of *Durham*.

Of the Baptist Church and Congregation of *Clarence*, County of *Russell*; and of *Jacob DeWitt* and others, of the City of *Montreal*; praying for the abolition of Sunday labor in the Post Office Department, and on the *St. Lawrence* Canals.

Of the Municipality of the Township of *Bolton*; praying for the passing of an Act to create the Counties of *Missisquoi* and *Brome* into an independent Judicial District.

Of the Municipality of the Township of *Elizabethtown*; praying that the surplus of the Clergy Reserve Fund may be divided among the Municipalities of Towns and Townships in *Upper Canada*.

Of the Municipality of the Township of *North Elmsley*; praying that no encouragement may be given by the Legislature to induce a certain class of Emigrants, formerly Subjects of *Great Britain*, and now Citizens of the *United States*, to emigrate to this Province.

Of *Gédton Poirier* and others, Justices of the Peace for the District of *Montreal*; praying that a Translation in *French* may be made of Mr. *Edward Carter's* Work, entitled "Treatise on the Law and Practice in Summary Convictions by Justices of the Peace, in *Upper and Lower Canada*," and that the same may be distributed among the Magistrates of this Province.

Of *John McNulty*, of the City of *Quebec*, Bailiff; complaining of unjust proceedings on the part of *John Maguire*, Esquire, Police Magistrate, and praying for an inquiry into his conduct.

Of the Reverend *N. Alphonse Leclerc* and others, of the Parish of *St. Thomas*, and of the Village of *Montmagny*; praying that means may be adopted to open out the Lands in the Valley of the River *St. Jean*.

Ordered, That the Petition of *John White*, of the Township of *Trafalgar*, be referred to the Standing Committee on Miscellaneous Private Bills.

Mr. *Hartman*, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Ninth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Bill to authorize the Court of Chancery, and the Courts of Queen's Bench and Common Pleas, in *Upper Canada*, to admit *Henry Spencer Papps* to practise as a Solicitor and Attorney, and have agreed to report the same without amendment.

They have also examined the following Bills, and agreed to amendments to each, which they beg to submit for the consideration of Your Honorable House, viz: —

Bill to incorporate the Town of *Sarnia*.

Bill to incorporate the *Canada* and *Liverpool* Mining Company.

Bill for the incorporation of the *Saugeen* Harbour Company.

Bill to amend the Act incorporating the *Bond Head* Harbour Company, to increase the Capital Stock of the said Company, and for other purposes.

They have also examined the Bill from the Legislative Council, intituled, "An Act to amend and consolidate the several Acts incorporating the *Mount Royal* Cemetery Company," and have agreed to certain Amendments, which they beg to submit for the consideration of Your Honorable House.

Ordered, That the Bill to incorporate the Town of *Sarnia*, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow.

(367)

Ordered, That the Bill for the incorporation of the *Saugeen* Harbour Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow.

Ordered, That the Bill from the Legislative Council, intituled, "An Act to amend and consolidate the several Acts incorporating the *Mount Royal* Cemetery Company," as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow.

Ordered, That the Bill to amend the Act incorporating the *Bond Head* Harbour Company, to increase the Capital Stock of the said Company, and for other purposes, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow.

Ordered, That the Bill to authorize the Court of Chancery, and the Courts of Queen's Bench and Common Pleas, in *Upper Canada*, to admit *Henry Spencer Papps* to practise as a Solicitor and Attorney, be read the third time To-morrow.

Resolved, That a Message be sent to the Honorable the Legislative Council, praying their Honors will permit the Honorable *Etienne P. Taché*, Speaker of that House, to attend before the Select Committee of this House appointed to investigate the proceedings of the *Montreal* and *Bytown* Railway Company, on Monday next, at Eleven o'clock in the forenoon.

Ordered, That Mr. *Antoine Aimé Dorion* do carry the said Message to the Legislative Council.

On motion of Mr. *Stevenson*, seconded by Mr. *Terrill*,

Resolved, That this House doth concur in the Fourteenth Report of the Standing Committee on Printing.

Ordered, That Mr. *Sidney Smith* have leave to bring in a Bill to legalize a certain By-Law passed by the County Council of the United Counties of *Northumberland* and *Durham*, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of MR. ROBINSON,¹

(367) A Bill to enable the *Hamilton* Hotel Company to increase their Capital Stock, and for other purposes therein mentioned, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. *Robinson* do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the Bill to render the Mayor of *Quebec* elective by the Electors of *Quebec*, being read;

[On motion of] MR. FELTON, in absence of Mr. Alleyn²,

(367) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the *Montreal* Gas Company, being read;

Ordered, That ... the said Order be discharged.

Ordered, That the Bill be withdrawn.

(368) The Order of the day for the second reading of the Bill to incorporate the *Brant* County Bank, being read;

[On motion of] MR. J. MORRISON, in absence of Mr. Biggar³,

(368) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to consolidate and amend the Acts constituting the Charter of the Bank of *Upper Canada*, being read;

[On motion of] MR. GAMBLE, in absence of Mr. Cameron⁴,

- (368) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.
- The Order of the day for the second reading of the Bill to constitute the Townships of *Wickham, Grantham, Simpson, and Wendover*, into a separate Circuit, being read;

[On motion of] MR. FELTON⁵,

- (368) The Bill was accordingly read a second time; and referred to the Select Committee on the Bill to establish a Circuit Court in and for the County of *Huntingdon*, and part of the County of *Chateauguay*.
- The Order of the day for the second reading of the Bill to amend the *Lower Canada* Municipal and Road Act, and to authorize the organization of the Municipal Council of the Village of *St. Jérôme*, being read;

[On motion of] MR. PRÉVOST⁶,

- (368) The Bill was accordingly read a second time; and ordered to be read the third time To-morrow.
- The Order of the day for the second reading of the Bill to vest certain Road allowances in the Township of *Brantford*, in *George S. Wilkes*, being read;

[On motion of] MR. J. MORRISON, in absence of Mr. Biggar⁷,

- (368) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.
- The Order of the day for the second reading of the Bill to authorize the construction of a Dam and Water-power on the *Grand River*, at *Holmedale, Brantford*, being read;

[On motion of] MR. J. MORRISON, in absence of Mr. Biggar⁸,

- (368) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.
- The Order of the day for the second reading of the Bill to incorporate the *Canadian Insurance Company*, being read;

[On motion of] MR. J. MORRISON, in absence of Mr. Biggar⁹,

- (368) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.
- The Order of the day for the second reading of the Bill to naturalize *Hervey Killam*, of the Township of *Townsend*, in the County of *Norfolk*, being read;

[On motion of] MR. FOLEY¹⁰,

- (368) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

[On motion of] MR. HOLTON¹¹,

(368) The House, according to Order, resolved itself into a Committee on the Bill to amend the Act relating to Savings Banks; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Larwill* reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. *Larwill* reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

(369) The Order of the day for the second reading of the Bill to authorize a Survey of Broken front Concession of the Township of *Darlington*, being read;

[On motion of] MR. S. SMITH¹²,

(369) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to confirm certain Surveys and allowances for Roads in the Township of *East Hawkesbury*, being read;

[On motion of] MR. McCANN¹³,

(369) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to enable the Reverend *Henry Patton*, Rector of *Cornwall*, to convey certain Lands to the Grand Trunk Railway Company of *Canada*, and to invest the money received for such Lands in trust for the Rectory of that Town, being read;

[On motion of] MR. ROBLIN¹⁴,

(369) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend the several Acts incorporating *La Banque du Peuple*, of *Montreal*, being read;

[On motion of] MR. A. DORION¹⁵,

(369) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the *Victoria Mining Company*, being read;

[On motion of] MR. J. MORRISON, in absence of Mr. Bowes¹⁶,

(369) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate a Company to construct a Railway from the City of *London* to intersect the Grand Trunk Railway at *St. Mary's*, or at some point north of *London*, being read;

[On motion of] MR. BROWN, in absence of Mr. Wilson,¹⁷

(369) The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to incorporate the Village of *Ashburnham*, in the County of *Peterborough*, being read;

[On motion of] MR. CONGER¹⁸,

(369) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend and consolidate the Law relative to the Governors of the *Kingston* General Hospital, being read;

[On motion of] MR. AT. GEN. J.A. MACDONALD¹⁹,

(369) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill for the construction of Water Works in the City of *Hamilton*, being read;

[On motion of] MR. HARTMAN, in absence of Mr. Freeman²⁰,

(369) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

On motion of MR. JACKSON,²¹

(369-370) The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Town of *Owen Sound*, in the County of *Grey*; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Poulin* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

(370) The Order of the day for the second reading of the Bill to confirm the partition made by the Trustees of the Will and Codicils of the late *Ann Powell* of the Real Estate of the late Honorable *William Dummer Powell*, Chief Justice of *Upper Canada*, and for the appointment of new Trustees of the respective shares thereunder, of *John Powell* and *Eleanor* his wife, and their children, and of *Mary Sophia Coxwell* and her children, with additional power to substitute new Trustees and to partition, and for other purposes, being read;

[On motion of] DR. CLARKE²²,

(370) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend the Act 16 *Vic. cap. 174*, intituled, "An Act to permit of Disinterments in certain cases, and for other purposes therein mentioned," being read;

[On motion of] MR. A. DORION,²³

(370) The Bill was accordingly read a second time; and ordered to be read the third time on Monday next.

The Order of the day for the second reading of the Bill to enable the Municipality of the Town of *Chatham* to dispose of a certain piece of land granted to the said Municipality for the purpose of a Burial Ground, and to appropriate the proceeds to the purchase of a more eligible site for a similar purpose, being read;

[On motion of] MR. LARWILL²⁴,

(370) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the Union Bank of *Upper Canada*, being read;

[On motion of] MR. J. MORRISON, in absence of Mr. Freeman²⁵,

(370) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to vest a certain Road allowance in the Township of *Stamford*, in the County of *Welland*, in the Municipality of that Township, being read;

[On motion of] DR. FRAZER²⁶,

(370) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to vest certain Lands granted for agricultural purposes in the Agricultural Societies of *Middlesex* and *Elgin*, with power to dispose of the same, being read;

[On motion of] DR. SOUTHWICK²⁷,

(370) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate certain persons under the style and title of the *Toronto* and *Georgian Bay* Canal Company, being read;

[On motion of] MR. J. MORRISON, in absence of Mr. A. Morrison²⁸,

(370) The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

[On motion of] MR. SOL. GEN. H. SMITH,²⁹

(370-371) The House, according to Order, resolved itself into a Committee on the Bill to amend the Act incorporating the *Hamilton* and *Port Dover* Railway Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Felton* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

[On motion of] MR. MERRITT,³⁰

- (371) The House, according to Order, resolved itself into a Committee on the Bill to extend the line of the *Port Dalhousie* and *Thorold* Railway Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Aikins* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the second reading of the Bill to amend the Act incorporating the *Stratford* and *Huron* Railway Company, being read;

[On motion of] MR. CHISHOLM, in absence of Mr. Daly,³¹

- (371) The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to incorporate the *Waterloo* and *Saugeen* Railway Company, being read;

[On motion of] MR. FOLEY,³²

- (371) The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to incorporate the *Norfolk*, *Brant* and *Wentworth* Railway Company, being read;

[On motion of] MR. FOLEY,³³

- (371) The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

[On motion of] MR. DUFRESNE,³⁴

- (371) The House, according to Order, resolved itself into a Committee on the Bill to amend the Act of incorporation of *L'Assomption* River and Railway Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Gill* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the second reading of the Bill to incorporate the *Queenston* and *Great Western* Railway Company, being read;

[On motion of] MR. MERRITT,³⁵

- (371) The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

[On motion of] DR. CLARKE, in absence of Mr. Cameron,³⁶

- (371) The House, according to Order, resolved itself into a Committee on the Bill to incorporate the *Canada* North-West Railway Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Gamble* reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. *Gamble* reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

[On motion of] MR. MERRITT, in absence of Mr. Freeman,³⁷

- (371) The House, according to Order, resolved itself into a Committee on the Bill to incorporate the *Ontario Hotel Company*; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Ferrie* reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. *Ferrie* reported the Bill accordingly; and the amendment was read, and agreed to.

- (372) *Ordered*, That the Bill be read the third time To-morrow.

[On motion of] DR. T. FORTIER,³⁸

- (372) The House, according to Order, resolved itself into a Committee on the Bill to authorize *Henry Wulfe Trigge*, Esquire, and others, to construct a Toll-bridge on the Northeast Branch of the River *Nicolet*, near the Church of the Parish of *Ste. Monique*, in the County of *Nicolet*; and to incorporate the said *Henry Wulfe Trigge* and others, under the name of the "*Ste. Monique Bridge Company*;" and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Masson* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to change the Constitution of the Legislative Council by rendering the same Elective," with several Amendments, to which they desire the concurrence of this House: And also,

The Legislative Council have passed a Bill, intituled, "An Act to enable the Churchwardens of *St. George's Church*, in the Town of *St. Catharines*, to sell and convey four acres of Land originally purchased as a 'site for a Parsonage,' and for other purposes," to which they desire the concurrence of this House: And also,

The Legislative Council have passed a Bill, intituled, "An Act providing for the payment of Dividends by Insurance Companies," to which they desire the concurrence of this House.

And then he withdrew.

[On motion of] MR. CRAWFORD,³⁹

- (372) The House, according to Order, resolved itself into a Committee on the Bill for the punishment of Officers and Servants of Railway Companies contravening the By-Laws of such Companies to the danger of persons and property; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Conger* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

[On motion of] MR. FERRIE,⁴⁰

- (372) The House, according to Order, resolved itself into a Committee on the Bill to erect the Municipality of the Village of *Galt* into that of a Town; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Foley* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to change the Constitution of the Legislative Council by rendering the same Elective;" and the same were read, as follow: —

Page 1, line 10. Leave out from "follows" to "the" in line 13.

Page 1, line 14. After "Members" insert "to be."

Page 1, line 15. Leave out from "elected" to "and" in line 16, and insert "in the proportion and at the times and in the manner hereinafter provided."

Page 1, line 22. After "thirty-five" insert "to reunite the Provinces of *Upper and Lower Canada*, and for the Government of *Canada*."

Page 1, line 23. Leave out from "years" to "No" in line 26.

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Page 1, line 26. Leave out "elected" and insert "eligible, or shall sit or vote as."

Page 1, line 27. After "be" where it occurs the first time, insert "a *British* subject by birth or naturalization resident in *Canada*."

Page 1, line 31. After "fief" insert "*franc aleu*" and leave out "one" and insert "two."

Page 1, line 33. Leave out from "unless" to "No" in line 35, and insert "his residence, or his lands or tenements as aforesaid, to the value aforesaid, be within the limits of the Electoral Division for which he shall seek to be, or shall have been elected."

Page 2, line 1. Leave out "a" and insert "an elective."

Page 2, line 5. After "crime" insert "or shall cease to hold a property qualification as required by the fourth clause."

Page 2, line 8. Leave out from "of" to "Legislative" and insert "twelve."

Page 2, line 9. Leave out from "the" to "Electoral" and insert "twelve."

Page 2, line 10. After "Divisions" insert "first entitled to return Members to the Legislative Council as hereinafter provided."

Page 3, line 12. Leave out from "Council" to "For" in line 21, and insert Clause (A.)

Clause (A.) "The order in which the Electoral Divisions shall be entitled to return Members to the Legislative Council shall be determined by lot, as soon as possible after the commencement of this Act, in the manner provided in Schedule E, and shall forthwith be made known by Proclamation."

Page 3, line 23. Leave out from "F" to "An" in line 37, and insert Clause (B.)

Clause (B.) "Periodical Elections of Legislative Councillors to represent the several Electoral Divisions shall take place in the Order determined by lot, and made known by Proclamation as aforesaid; the twelve Electoral Divisions named in the List of the 'First Drawing' being those first entitled to return Members to the said Legislative Council, those named in the List of the 'Second Drawing' being those next entitled to return Members to the said Council, and so on."

Page 4, line 4. Leave out from "Sections" to "the" where it occurs the first time, and insert "twenty and twenty-one."

Page 4, line 10. Leave out from "thereof" to "An" in line 18.

In the Schedules to the Bill:

Page 9, line 1. Leave out "Form" and insert "Schedule."

Page 10, line 9. Leave out "Form" and insert "Schedule."

Page 10, line 13. Leave out "*Canada*" and insert (*here insert name of Electoral Division in which Candidate resides.*)

Page 10, line 22. Leave out "one" and insert "two."

Page 10, line 30. Leave out "Form" and insert "Schedule."

Page 11, line 9. Leave out from "Lot" to "Schedule" in Page 12, line 1, and insert: —

"1. The Speaker of the Legislative Council shall cause to be placed before the Governor in Council twelve boxes, marked respectively, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12.

"2. The names of the forty-eight Electoral Divisions shall be plainly written, separately, upon a like number of pieces of paper of the same shape and size.

"3. The Clerk of the Legislative Council shall place these papers in the boxes, one by one, having first shewn them, and then folded them so as to conceal the writing.

"4. He shall place in each box the names of the Electoral Divisions which form the group in Schedule F, corresponding in number to such box.

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"5. Having shaken the boxes, he shall four several times withdraw one piece of paper from each box in succession, unfold each piece of paper in turn as it is withdrawn, exhibit it, and declare aloud, and write down on a list the name written thereon.

"6. Four lists of names of Electoral Divisions shall in this way be made by the Clerk of the Legislative Council, on four separate pieces of paper previously headed respectively 'First Drawing,' 'Second Drawing,' 'Third Drawing,' and 'Fourth Drawing,' in each of which lists there will be twelve names.

"7. These lists shall be then and there authenticated by the signatures of the Executive Councillors present, and the counter-signature of the Clerk of the Legislative Council, and shall remain of record in the Office of the Executive Council.

"8. The result of the drawing shall be embodied in a Minute of Council, and communicated without delay to the Governor."

In the Preamble of the Bill:

Page 1, line 4. After "eighteen" insert "to empower the Legislature of *Canada* to alter the Constitution of the Legislative Council for that Province, and for other purposes."

MR. COM. CR. LANDS CAUCHON said it was his intention to move the adoption by the House of the amendments made to this Bill. Before doing so, however, he would give a brief statement of the amendments made to the Bill.⁴¹ The most important change was this. In the Bill as it went to the Council, it was provided that the 48 new members should be elected at once. The Council had changed it, so that⁴² twelve were to be elected forthwith; twelve more in two years; another twelve in four years, and a subsequent twelve in six years. It would then be six years before all the members proposed to be elected, by this Bill, could take their seats. [There was] another change proposed to be made by this Bill, ... which was in his opinion highly objectionable⁴³. It had been the feeling of this house that the Council should represent not local feelings and interests, but general interests. The Council, however, had altered the measure in this respect, making it necessary for the councillor to reside or hold property in the district which he represented.... The property qualification also was raised from £1,000 to £2,000. He (Mr. Cauchon) did not think that was very objectionable.⁴⁴ Taking the Bill as a whole, however, although it was open to many objections, he thought it best to sanction it, in order to save the elective principle. He would, therefore, move that the House adopt the amendment[s].⁴⁵

In answer to a question from an hon. gentleman,⁴⁶

MR. COM. CR. LANDS CAUCHON subsequently stated that no alteration had been made in the property qualification of electors.⁴⁷

MR. GALT suggested that the amendments be printed.⁴⁸

MR. COM. CR. LANDS CAUCHON agreed that this should be done before the second reading.⁴⁹

MR. BROWN said that it appeared to him that the bill was nothing short of a lottery bill. All the amendments seemed to have reference to drawing lots. (Laughter.)⁵⁰

MR. J. SMITH said that, while the Bill was in this house, he had endeavoured to get the schedules altered, but had yielded to the suggestion of the Attorney General West that it was desirable to get the Bill sent at as early a period as possible to the Upper House, and that the alterations could ... be made there. As he had feared, however, the Bill had come back without any alterations being made, and he considered that the schedules were so badly arranged for the section of country between Toronto and Kingston, that he would feel justified in voting against the Bill, unless an alteration could be made here.⁵¹

MR. J.S. MACDONALD (Glengarry) although he fully agreed with the hon. member for Victoria, respecting the schedules, would advise him to let the bill pass. Before many years had elapsed the bill

would require alteration. The amendments now made were not, in his opinion, improvements; but having failed in obtaining a better measure, he hoped the House would retain the one now before them.⁵²

MR. MACKENZIE objected to the amendment raising the property qualification of Legislative Councillors from £1,000 to £2,000.⁵³ [He] suggested the propriety of postponing the second reading of the bill, as amended, till Tuesday next, in order to allow time to consider the amendments. The body thus proposed to be created, would, virtually, have power to vote down what had been passed in the Assembly.⁵⁴

MR. FELTON quite agreed with the hon. member for Victoria, as to the propriety of settling the schedules at once. The argument of the hon. member for Glengarry struck him as most absurd. That hon. gentleman stated as his opinion that the bill was bad enough already, in the course of time it would be worse, and therefore hon. gentlemen should vote for it.⁵⁵ If the house saw anything wrong in the Bill, why not alter it at once?⁵⁶

MR. J.S. MACDONALD said the hon. member for Wolf[e] had misconstrued his remarks. He deprecated opposition to the bill because it was the best one they could get.⁵⁷

MR. FELTON understood the hon. gentleman's argument to have been as he had before stated it. The principle of electing by lottery was, he conceived, a most extraordinary one, and the very last that should have been [sic] adopted.⁵⁸

MR. GALT agreed with the hon. gentleman who had complained of the injustice done by these schedules⁵⁹. [He] saw that great difficulty would arise if the schedules were not now altered, in altering them hereafter⁶⁰, and hoped the suggestion of the hon. member for Haldimand in reference to a postponement would be acted on.⁶¹

MR. SICOTTE the SPEAKER ruled that the House could not now amend any part of the bill which had not been amended by the Legislative Council.⁶²

MR. CHABOT was so anxious to see the Elective principle applied to the Upper House, that he would accept the Bill as it stood.⁶³

MR. DEWITT said that 25 years since he had voted for a similar bill. He had advocated the introduction of the principle of election into that branch of the Legislature. He felt glad to see even such a bill as the one now before the House introduced; although he should have preferred much difference in its details.⁶⁴

MR. FOURNIER ... [made] a few remarks⁶⁵.

The amendments were ... ordered to be read a second time to-morrow⁶⁶.

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On motion of the Honorable Mr. *Cauchon*, seconded by the Honorable Mr. *Lemieux*,

Ordered, That the said Amendments be read a second time To-morrow.

Ordered, That five hundred copies of the said Bill, as amended, be printed in ... each of the *English* and *French* languages, for the use of the Members of this House.

The House then adjourned at six o'clock.⁶⁷

MR. SICOTTE the SPEAKER took the chair at eight o'clock.⁶⁸

[On motion of] MR. JACKSON,⁶⁹

- (374) The House, according to Order, resolved itself into a Committee on the Bill to separate the Counties of *Huron* and *Bruce*, and for other purposes; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Roblin* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the second reading of the Bill to amend the Act of incorporation of the *Woodstock* and *Lake Erie* Railway and Harbour Company, being read;

[On motion of] MR. J. MORRISON in absence of Hon. Mr. Cameron,⁷⁰

- (374) The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to establish a Recorder's Court in the City of *Quebec*, being read;

[On motion of] MR. FELTON, in absence of Mr. Alleyn,⁷¹

- (374) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to enable the Municipal Council of the Town of *Cornwall* to appropriate the surplus of certain moneys raised for making a macadamized Road, being read;

[On motion of] DR. McDONALD⁷²,

- (374) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Honorable Mr. *Cartier*, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General, — Return to an Address from the Legislative Assembly of the 28th February last, for a Statement of the number of Vessels towed in each season by the Tug Boat Contractors below *Quebec*.

- (375) For the said Return, see Appendix (No. 47.)

Return to an Address from the Legislative Assembly of the 9th instant, for a Statement of Seizures and Forfeitures which were made at the Custom House, *Montreal*, from 1st January, 1854, to 1st January, 1856.

For the said Return, see Appendix (No. 48.)

The House resumed the further consideration of the Question which was yesterday proposed, That the best interests of *Upper* and *Lower Canada* would be promoted by a repeal or dissolution of the Political or Legislative Union now subsisting between these Sections of the Province of *Canada*.

MR. FELTON rose, in reply to the statement of the hon. member for Haldimand, last night. He repelled the insults which that gentleman so unsparingly lavished on Lower Canada. He would answer them at some length, if they were worth answering; but he did not think that the French population of the Province required such a defence at his hands; at the same time he did not think that it was right that Lower Canada should be silent in the face of such alleged facts as those put forward by the hon. member for Haldimand. The attack made by that gentleman was a rambling sort of an onset. He (Mr. Mackenzie) had stated that Upper Canada did not consent to the Union; and that Lower Canada did.⁷³

MR. MACKENZIE. — I never said so. I stated that I had always been opposed to the Union, though admiring the stand Lower Canada took for freedom; that Lower Canada, in 1839 and 1840, was opposed to the Union, but had been fraudulently deprived of her legislature, and placed under a military tyranny — that, as Lord Metcalfe said, a bribed and unconstitutional legislature in Upper Canada, had given a sort of mock approval, qualified as to the seat of government, &c., and that the conditions had been treated in England with contempt, as if colonists had had no rights at all.⁷⁴

[MR. FELTON] would, in reply to the hon. member, assert that Upper Canada did consent to the Union. To prove it, the resolution passed at the time by the Legislature of Upper Canada was to this effect: that she wanted to relieve herself from financial embarrassments — (hear, hear,) — and to be enabled to complete her public works. One resolution set forth, that it was desirable that there should be an equal representation of both Provinces in the United Legislature. (Hear, hear.)⁷⁵ The means by which the hon. member for Haldimand advances and sustains his arguments are by no means creditable to him.⁷⁶ When we find that in 1837 the Upper Province was bankrupt, and her whole revenue unable to pay the interest on her public debt, it does appear strange to find the member for Haldimand cavilling against the Union. Upper Canada's population was then⁷⁷ 465,357,⁷⁸ her revenue was £70,000; and her debt was £1,400,000, or £3 to each person. Lower Canada was then able to pay all her creditors, and obliged to come to the rescue of her bankrupt sister Province, Upper Canada!⁷⁹ The hon. gentleman has also stated that Lower Canadians are extravagant spendthrifts, and that they are over head and ears in debt. Suppose all that to be true — then compare the present position of Lower Canada with the position of Upper Canada at the time of the Union; when her population was only half a million; and then let hon. gentlemen say what is her position as to population. It is very evident from these things that Lower Canada is in a thriving state at present. The hon. member for Haldimand has painted Lower Canada in such a manner that one would think that it was a worse place than Kamskatka, or Labrador⁸⁰, and as if the people were a beggerly [sic] lot of fishermen; that it possessed a meagre soil, and could not support herself.⁸¹ With all these things it was extraordinary that Lower Canada was enabled to pay her own debt, or to walk abroad with honest men.⁸² (Hear, hear.) But by this political fraud, Lower Canada was obliged to pay half of Upper Canada's debt at the time, and was now responsible to pay her share of two millions and a half of principal and interest.⁸³ A great many of the statements of the hon. member for Haldimand were very far from the truth. He [Mr. Felton] admitted indeed that Lower Canada was not able to compete with Upper Canada in being able to put her hand into the public purse in the same way as Upper Canada does.⁸⁴ In U.C. they do things on a magnificent scale. They issue debentures, establish a municipal loan fund, and put on the Union a debt of £1,500,000⁸⁵, and Lower Canada has "to pay the piper." (Hear, hear.)⁸⁶ This magnificent Province of Upper Canada is already in arrears for £50,000 as interest on this municipal loan fund.⁸⁷ There was half a million of money expended on roads and bridges in Upper Canada, and from the way in which the hon. member for Haldimand spoke of the expenditure on roads and bridges in Lower Canada, he (Mr. Felton) thought that they had spent nothing at all on roads and bridges here. The hon. member for Haldimand should also remember that great sums of money had been expended on the Great Western Railroad and the Northern Railroad; also, the Consolidated Fund.⁸⁸ So far as the administration of justice was concerned, it was true that the expenses in Lower Canada are greater than those of Upper, but for the support of agriculture the latter got the most benefits, and⁸⁹ the member for Haldimand ... forgot the expenditure of two or three hundred thousand pounds for a Penitentiary in Upper Canada, which, moral as she may be, does far the most in stocking that Penitentiary — in December last there were 115 criminals there from Lower Canada, and 442 from Upper Canada.⁹⁰ He denied that Upper Canada is progressing faster than Lower Canada in population and commerce.⁹¹ The latter had the advantage in 1851 of native born population, and exceeded that of Upper Canada by 243,000, according to the census, and the emigration there had not continued to increase since 1851. But in face of all these facts, the compact was made, and must be abided by, whether bribery was resorted to at the time to bring about the Union, or not. And an insuperable difficulty was offered, now to its dissolution, for the debts of the

Province must be paid⁹². Now there is a debt of ten (or fifteen) million pounds, and Lower Canada will be ready to dissolve whenever Upper Canada assumes that debt, and relieves Lower Canada from the public creditor who now has a hold on the revenues of both provinces. He would be quite willing to take off his hat to Upper Canada if she would do so; besides, Lower Canada contains within it the highway to the Atlantic, how is that to be disposed of? L.C. gets half the income of the Union; her credit and resources are to the full as good as those of U.C.⁹³ There was another important point which it was necessary to decide before dissolving the Union: how will the customs between Upper and Lower Canada be settled, seeing that Montreal has nearly one half of the customs of the Province?⁹⁴ He hoped the House would not entertain the motion. The whole arguments of the hon. member for Haldimand, both in the house and out of the house, were not advanced, with a view to the interests of the Province, but to get up an agitation which might in some way benefit himself. He [Mr. Felton] trusted too much in the knowledge and political wisdom of the people of Upper Canada, to suppose that they could endorse many of the sentiments of that hon. member.⁹⁵ He had no doubt, however, that sooner or later the issue would come, and when it did come, Upper Canada had it entirely in her own hands.⁹⁶

MR. HARTMAN said that, but for the remarks which had fallen from the honorable member who had just taken his seat, it was not his intention to have spoken on this subject. If he rightly understood that gentleman, he asserted that this agitation was got up by the hon. member for Haldimand, not because he cared for its result, but simply because he wanted to take advantage of it in order to make a little political capital. Now he (Mr. Hartman) would deny that such was the object of the honorable member for Haldimand; and he would also deny the statement that this agitation was confined to that honorable gentleman, or even originated with him. The people of Upper Canada had debated this question, and would still continue to do so, independently of the efforts of the honorable member for Haldimand. But even admitting that that was the object of the honorable member for Haldimand, that honorable gentleman ought to be much obliged to the honorable gentleman who had just sat down, for the services he had rendered him. Of course, it was only natural to suppose, from the very strong and energetic manner in which the honorable member opposite had addressed himself to the arguments of the hon. member for Haldimand, that it was his intention to oppose the motion. Such, however, did not seem to be the case. Looking into the arguments he had adduced, one would be led to think that he intended to support the motion. If anything was lacking in the honorable member for Haldimand's arguments, the member for Richmond and Wolf[e] very graciously supplied the deficiency.⁹⁷ The member for Haldimand ... argued last night that Upper Canada suffered from its connection with Lower Canada, and now⁹⁸ the hon. gentleman [Mr. Felton] asserted that Lower Canada had been fleeced most unmercifully for the ben[e]fit of Upper Canada. And one of the proofs he adduced in support of his statement, was that at the time of the union, Upper Canada had a debt of about £3 per head for every man, woman, and child in the Province; but since the union, such was the prosperous state of the country, that our debt was far less, making a total of only £10,000,000. Now, this statement is under the mark; but even taking his own figures, and what is the conclusion they must lead to? If at the time of the union, the people of Upper Canada were in debt to that amount; and that now, counting the entire population at 2,000,000 — ⁹⁹

MR. FELTON. — It is more than that.¹⁰⁰

MR. HARTMAN knew that such was the case, but he was also aware that the debt amounted to more than £10,000,000. But, he would say, that even taking it at that figure, ... at the present time the debt would be found to amount to something like £5 a head. That calculation was, if anything, under the mark.¹⁰¹

MR. FELTON begged leave to state that his argument was based on the fact, that the debt of Upper Canada, irrespective of the annual amount raised towards defraying it, was about £7,000,000 or

£8,000,000 — and that the sum paid out of the public chest towards the interest of the debt did not represent £5,000,000.¹⁰²

MR. HARTMAN admitted the financeering abilities of the hon. member for Richmond and Wolfe, but would, nevertheless, adhere to his own opinion. If he understood that hon. gentleman rightly, he congratulated himself that Lower Canada was not indebted to Upper Canada, because the Penitentiary contained some 400 or 500 criminals — out of which number the Upper Province was said to contribute about two-thirds or three-fourths. He would remind that hon. gentleman, however, that that was an argument which could be taken up by both sides. Last night the hon. member for Haldimand showed that the administration of justice in Lower Canada cost more than in Upper Canada — which proved that in the Upper Province justice was much more economically administered. And, after all, perhaps if the Penitentiary had all that it ought to have from Lower Canada — ¹⁰³

MR. PAPIN (L'Assomption.) — You really do not mean to include the hon. member for Wolfe! (Laughter.)¹⁰⁴

MR. HARTMAN. — Perhaps if it had all it ought to have the disparity would not be so great. In his opinion, however, that was not the way to look at this question. The question of permanency ought not to be judged on the ground that either section of the Province had dealt unjustly with the other. It ought to be discussed on far broader grounds, altogether. The time had now come when it became absolutely necessary to dissolve this Union. It had been tried for fifteen years, and had undoubtedly, effected a great deal of good. But it could not effect much more. There were now difficulties in the way of a continuance of this Union which were all but insurmountable, and yet they were increasing. In giving an opinion on this subject he was guided by the experience of his lifetime — by what he had seen of the attempt to assimilate the wants, usages and laws of the people of both sections of the Province. Hitherto, all such attempts had utterly failed. The fact was, that scarcely any one subject which was legislated on was treated in a similar manner in both sections of the Province. Their municipal systems, school systems and, in fact almost everything, were different. And all attempts at assimilation, he felt convinced, would be as fruitless now as they had been hitherto. He would therefore vote for the motion of the honorable member for Haldimand. If he could believe that the country would be willing to continue this Union, and that it could be so continued with advantage, he would not give that vote. But such was not the case, and in his estimation never would be.¹⁰⁵

MR. CHAPAIS (Kamo[u]raska) would not support the Union.¹⁰⁶ [He] corrected some statements made by Mr. Mackenzie on the previous evening.¹⁰⁷

MR. MACKENZIE said he just wished to reply to some remarks of the honorable member for Wolfe (Mr. Felton.) He would begin by saying that that honorable gentleman taunted Upper Canadians with being a less law-abiding people than Lower Canadians,¹⁰⁸ and as a proof had told us what the penitentiary cost, and that we filled the Penitentiary better than they did. But if the Lower Canadian judges give that kind of judgments which was given in the case of the murderers of Robert Corrigan, (Hear, hear — question, question,) he did not wonder that the honorable gentleman was correct. Gentlemen came up here to Toronto and taunted us Upper Canadians with filling the Penitentiary better from Upper Canada than they did from Lower Canada. But if criminals of the deepest dye can pass in the same way that Judge Duval allowed these murderers — ¹⁰⁹

MR. SICOTTE the SPEAKER. — Judge Duval is one of the judges of the land.¹¹⁰

MR. MACKENZIE. — Well then, Mr. Speaker, if in some way he (Mr. Mackenzie) certainly could not explain, though it was a disgrace to Lower Canada — the coolest murder may be committed at noonday in the face of the country, in the face of multitudes of the people, and yet the murderers

in Lower Canada should be allowed to pass unpunished in the face of evidence the most clear and convincing ever given, he did not wonder that the member for Wolfe should be able to stand up in the face of a Protestant community and contend that we filled the Penitentiary more largely than they do. Besides our population is larger and we desecrate no Catholic chapels, we shoot down no Catholic worshippers in the public streets. We aim at least to be impartial. The gentleman told us the Union was got up to relieve us from embarrass[s]ment. Did Lower Canada pay our debt? Did its miserable bureaucracy pay our debts? No, they shut up 1,200 public schools for the purpose of keeping people in ignorance, they swallowed the chest entirely, and they had not a dollar to rub against another, and the embarrass[s]ment which the wretched profligate Government of Upper Canada of 1837 had brought on us, was relieved by the Union — in this way, that before the Union, Upper Canada could not borrow except with the consent of the Legislature of Lower Canada, and this difficulty the Union removed. But very shortly the taxes were increased, as the hon. member for Lincoln told you — nearly 300 per cent. At the Union the debt of U.C. was a million, that of L.C. £130,000. He would consent to shoulder the difference rather than see a universal bankruptcy of banks, railways, towns, savings banks, and province, and a stop to all prosperity, through the profligacy of French votes out of U.C. means. He (Mr. M.) had voted alone ... against the U.C. Loan Fund, but no L.C. railway paid or would pay amid its inert, sleepy, good natured population, while the Great Western divided 8 per cent. Toronto alone contributed about £150,000 to the Customs Revenue, at the expense of £4,000, while the whole of the 24 Lower Canada ports, except Montreal, collected together only £87,000 at an expense of £15,000 for collecting it.¹¹¹ When he first knew Lower Canada it had an economical Legislature, under a man whom he admired, Mr. Papineau, a man who kept the priests in order, and as firm a friend of Civil and Religious liberty as was King William the Third. But since the Union matters had gone on very differently. Let us get rid of a connection which is playing the same game with United Canada, as the profligate system in 1837 did with Upper Canada, bringing the country to the verge of bankruptcy. He wondered how much revenue that fine railway from Trois Pistoles to Quebec was to yield. He would be surprised if it yielded enough to grease the wheels of its locomotives. The hon. member said that the Great Western Railway had got four millions of our money. He did not know as to that, but he knew that the other day it declared a dividend of eight per cent. Who ever heard of a Lower Canada railway giving a dividend?¹¹² Instead of raising anything, by which to contribute to the general wealth of the country, they had to import even their flour from Upper Canada. What they paid it with he could not fancy, unless it was with the public money. He looked upon Lower Canada as a partner, that furnished no capital and no labour, and at the same time swallowed up the dividend. Our Northern Railroad was a shameful job, and when probed would show who had cheated the English bondholders — but it was a French scheme, and Mr. Hincks had carried it through French votes, and it was French influence that had prevented him (Mr. Mackenzie) from checking waste, and put down all who insisted in a desire to be economical that our people might thrive. Upper Canada paid last year into the public purse, for lands sold and customs taxes £870,000 and Lower Canada only £170,000 — and as to U.C. roads, they are a part of the debt before the Union, and have been sold, while L.C. has got £300,000 for roads, besides the Quebec and Montreal monies, never to be repaid. As to the customs at Montreal we can collect our own revenue, and as to one of our front doors, the St. Lawrence, so long as British connexion lasts, it would be as open to us as to Chicago at least. In Congress, in New York State, in Ohio, and elsewhere throughout the Union, representation is fixed on the democratic basis of apportioning the representation in every state to the population, as near as may be, and unless this is done the pretended check by the people would be turned into an oligarchi[c]al, or at least an aristocratical machine, governing, borrowing, acting in the name of the majority, tho' only chosen by the minority. We had quite enough of that through the trick of Canada and freedom's enemy, Lord John Russell's Union bill, and French misrule, and papal and puseyite despotism must be made at once to find its level, or it will destroy our country for years to come. He did not like rash changes, therefore he had voted, 1851 to 1855, against repeal, but when representation by population became hopeless, and both branches were settled on a palpably dishonest basis, with the consent of England's government, he began to agitate for justice.¹¹³ But if they

would give him Representation by Population, he would bring forward no more such motions. Things would then go on more smoothly. They could then make Lower Canada contribute something, by taking all her nunneries and monasteries and selling them by auction, which would yield at least six or seven millions sterling.¹¹⁴ [But] representation by population ... was hooted down year by year, none from L.C. supporting it. Even if carried, he knew that a legislative and administrative union must fail, for we are essentially different, and he did not like coercion. But dissolution would bring to L.C. a small income and economy, the vampires, the shabby office-beggars who now sneak about plundering society would vanish — Baby would go back to his grocery, ... to his ten shilling fees — and the two countries be friendly, each progressing onward in its own way.

Mr. Speaker: Two-thirds of the members for Upper Canada voted for a law to prohibit intoxicating drinks from destroying our people — but though the Chairman of the Accounts reminds us of the large quantity of whiskey we drink, two-thirds of the L.C. members have voted down the Maine Law, headed by the member for Wolfe (Felton) who introduced it in 1854, and now taunts us with filling the State prison, while his casting vote the other day, put down our efforts to check drunkenness. By all means let us have repeal; England can protect us separate just as effectually as under this dishonest Union.¹¹⁵

MR. MARCHILDON said that he entertained the opinion that the act of Union was iniquitously fixed on the people of Lower Canada, and that at the time Lower Canada was free from debt, whilst Upper Canada was heavily encumbered with liabilities which she was unable to relieve herself from.¹¹⁶ [He] had always opposed the Act of Union, as inimical to the best interests of Lower Canada; and from the intercourse he had had with the people of Upper Canada, he was satisfied that the two populations could never live together in harmony. The Lower Canadians were constantly getting insults spit in their faces, and the sooner the Union was dissolved the better. Complaints were made about the extravagance of Lower Canada, but the fact was that the Upper Canadians were ravaging and pillaging Lower Canada from one end of it to the other.¹¹⁷ He was opposed to representation by population. Why? Because, like many other Lower Canada members, he desired a dissolution. He would vote for repeal.¹¹⁸

MR. A. DORION (Montreal,) felt they were very near that state of things, when a new state of political existence must be sought for. He had watched with considerable interest the manifestation of feeling which existed, both in Upper and Lower Canada, in regard to the political Union now existing between the Provinces; and he must say, that the result of the examination, which he had given that subject, was very far from leading him to believe that the present state of the Legislative Union is to be a permanent one.¹¹⁹ Any one who would compare the recent declaration of the Attorney-General East, that Lower Canada, if Representation by Population was forced upon her, must seek for a new state of political existence, with the growing demand in Upper Canada for Representation by Population, must see that the Union could not remain long on its present footing. (Hear, hear.)¹²⁰ He was not one of those who wish to take up all the difficulties which have resulted from the moment of the Union until now, and to show that our present position is untenable. He did not rise to answer the hon. member for Haldimand, and the hon. member for Wolf[e], by showing that Lower Canada was peopled with paupers, and that Upper Canada was peopled with animals, but looking at the difference in the habits — the language — the religion — and everything that constitutes nationality, he saw great difficulties in the way of a proper understanding between these two different sections of [the] country.¹²¹ He was satisfied that not a single member from Upper Canada dared to go to his constituents, without pledging himself to advocate Representation by Population, as they saw at the late election for Peterboro' and Renfrew. Not one of the candidates for those counties had dared to say he would not advocate that principle. On the contrary every one had pledged himself distinctly to it. (Hear, hear.)¹²² When on the one hand they had Lower Canada declaring that they would never consent to give representation by population, and on the other, the determination of Upper Canada that if they did not get representation by population they would demand a dissolution of the union, it was evident that this principle must be granted. He did not know at present what was the difference of population, though he did not doubt there was a

majority in favor of Upper Canada. And he did not think there was a man in this House, or a man in this country who would say that it would be fair to Upper Canada if they had a quarter of a million or half a million more population than Lower Canada, that they should be prevented from having representation by population.¹²³ (Hear, hear.) The difficulty stared them in the face, and the question could not be much longer evaded by any attempts on the part of the Administration to shirk it, by moving the previous question as they did last year or by raising a point of order, as they did last night¹²⁴, declaring that the question had been already decided this session¹²⁵. (Hear, hear.)¹²⁶ However the gentlemen on the other side may shirk the consideration of that question, the difficulty is one which will soon have to be met. It is therefore, and should be the duty of every man who has the interest of the country at heart to see if there is no means by which they could avoid the strong feelings which will be expressed on this subject in the different sections of the Province, and which if not finally met may result in strife and difficulty. It was well known that there was a strong feeling against representation by population in Lower Canada. He would not say how this feeling had been exerted. But they believe that if representation by population is granted their rights would be jeopardized, and that neither their religion, their interests, nor their language would be safe. How far that feeling was wrong or right it was not for him to say, but he knew that the feeling existed.¹²⁷ But it appeared to him that the difficulty about Representation by Population arose from the nature of the existing Legislative Union.¹²⁸ The Attorney General East has expressed the opinion that Lower Canada would never assent to it, but¹²⁹ he believed there would be no difficulty in getting the people of Upper and Lower Canada to coincide as to those general interests which were common to all. He thought there would be no difficulty in finding a plan, by which the commercial interests of the country, our railway interests, our public works, our trade and navigation would be left to be dealt with by a general legislature, representing the whole Province according to population, while at the same time legislation as to education, and matters of a local character might be left to local legislatures. In that way the rights, the privileges, and the prejudices, for there were prejudices even entitled to be respected, of each section of the Province, would be safely guarded.¹³⁰ It was evident to him that both in the speeches of the hon. member for Haldimand and the hon. member for Wolfe — the true state of affairs was very much exaggerated. (Hear, hear.) But whatever the difference may be, he was not willing to agree to the statement made as to the disadvantages of the Union — at the same time he would say that the advantages which resulted from the two Provinces having been united are far less than they are represented by those who are in favor of the Union. The provinces, he would admit, had grown immensely in population since the union, and that increase in population had been the means of the increase in the wealth and prosperity of the country. The hon. gentleman ... [then considered] the disadvantages which had resulted from the union.¹³¹ For instance they had contracted a habit of lavishly spending the public money. By the growth of our population, and the increase of our taxation, we had obtained such a revenue as had accustomed us to a profligacy which had brought us almost to the brink of ruin. Our debt had enormously increased, and what was the corresponding advantage we had obtained, he had yet to learn. Before the Union, with a revenue of something like £150,000, Lower Canada was able to make more public works in proportion, than since the Union.¹³² (Hear, hear.) Honorable gentlemen, say “hear, hear.” But in the Lower Province we had Public Works before the Union. From 1814 to 1827¹³³ [OR] 1837¹³⁴, out of a revenue averaging from £100,000 to £125,000 were appropriated to Public Works alone £36,000 a year. We had besides given Upper Canada for their Welland Canal £25,000 by a unanimous vote of the Legislature. We had besides that been robbed by our Receiver General of upwards of £90,000 out of our public chest; and yet, notwithstanding that £36,000 was annually appropriated to Public Works from 1814 to 1827, we made the Champlain Canal, and the Lachine Canal, and the St. Lawrence [sic] and Champlain Railroads. The small Lachine Canal alone gave in 1834, twenty years ago, a revenue of £5,150 a year; and now the St. Lawrence Canal which cost five times as much as the Lachine Canal, instead of yielding a revenue is £4,000 in debt; and we had lost £11,000 by the whole of these canals in 1854, while twenty years ago the smallest of them yielded a revenue of £5000. We have not since the Union a single public work which is not represented in our public accounts by a debt amounting to twice its value; and that debt is

daily growing. Our revenue is £1,300,000, and our expenses are £1,297,000, showing that with such an enormous income we have only an excess of revenue of £12,000 [sic] and our debt is three times more than it was before the Union. With these facts before them he did not see that it was competent for honorable gentlemen on the Treasury benches to stand still and desire to put down every question from discussion that would have for its object to relieve us from this difficulty. His own opinion, and he said it candidly, was that the present Legislative Union could not subsist for any length of time, and he only regretted the persistency in the members of the administration to prevent any such question coming forward. There is a growing feeling in Upper Canada for representation by population, and if hon. members from Lower Canada would consult the journals of 1852 and 1853 they would find that all the gentlemen now on the Treasury Benches from Upper Canada gave their votes for representation by population.¹³⁵ He would ask hon. members to look at the speeches then delivered, and at the articles in the newspaper which was then edited by the Postmaster General, and say whether it was possible to believe that Upper Canadians would not insist on having Representation by Population and that in a very short time, Lower Canadians might be satisfied that at the next election there would not be a single candidate for an Upper Canadian county who would dare to say that he would oppose Representation by Population. (Hear, hear.)¹³⁶ While an equally strong feeling existed in Lower Canada against this principle, whether right or wrong he would not say, he considered it wrong for the members of the Administration to prevent a full discussion upon the subject. A dissolution of the Union is now recommended as an advantage to Upper Canada, and he was not sure but it would be an advantage to both, but since the Union they had contracted a large amount of debt which would require to be met in some way. He did not think a federal Union of the whole of the British American Provinces would be at the present time a desirable thing. He did not think that our knowledge of those Provinces or of our relations to them, would make such a federation desirable. But he thought that the Provinces of Upper and Lower Canada possessed a population sufficiently large and had sufficient elements of prosperity to admit of a division, and to have a federation which would, in his opinion, give each of the divisions its own local legislature for local purposes, while at the same time the federation on General Legislature would manage the general interests of the Province. We would not under such a system have these questions of Ecclesiastical Corporations coming up before us from day to day. We would enjoy greater harmony and spend a great deal less money wastefully than we do now for our Legislation. The hon. gentleman then went on to show that whenever a sum of money was voted to one section of the Province, an equal sum required to be voted to the other section to counterbalance it, whether wanted or not.¹³⁷ Thus last session when the house voted £5,000 to pay Jurors in Lower Canada, an equal amount had to be given to the municipalities of Upper Canada. And when £150,000 was voted for the abolition of the Seigniorial Tenure in Lower Canada, again a like amount had to be appropriated for the Municipalities in Upper Canada. He could give many other instances of the same kind, and in this way we had come to have a debt which was frightening every one who looked at it. Holding these views he regretted that the honourable member for Haldimand had brought up the question in the shape he had. It would have been much better if he had asked for a Committee to discuss the whole subject, and to elicit the views of different members. He had no doubt the question would be very soon submitted to the people of Upper Canada; the feeling with the great majority would be rather to go for a dissolution of the Union than yield Representation by Population. But, although ... [he] believed the present system could not last, although he was against the existing order of things, he could not vote for the motion of the honourable member for Haldimand, and much less endorse the arguments upon which he had based it. He sought for other arrangements and other combinations than the mere adoption of that motion would lead to, and he intended to give notice of motion to-morrow for a committee to enquire into the whole subject, that the Administration might no longer shirk and stifle the question as they had hitherto done. But he believed that if the present Union was to continue to exist, it could only exist on the basis of Representation by Population. On no other principle could the present Union be worked. If it continued he should be in favour of Repeesentation [sic] by Population, because he considered it was the only just system. (Hear, hear.) He did not wish, however, to be misunderstood. He considered the

present existing state of things as the worst we could have. A Federal Union he considered the best, but second to that, and as preferable to the present order of things, he would say Representation by Population, and he would go for that, if after trying he should fail to obtain a Federal Union. (Hear, hear.)¹³⁸

MR. AT. GEN. DRUMMOND then rose and spoke as follows: I beg to inform the hon. member for Montreal that the ministry are not afraid to discuss the matter. (Hear, hear.) They are anxious, however, to carry out practical and real reform, and they wish to save the time of this House as much as possible¹³⁹ from the explanations and the idle attempts of theorists¹⁴⁰ — (hear, hear,) — and also from the expense of appointing committees to consider whether we should not take up the constitution of France or of some other country. (Hear, hear.) They are satisfied with the constitution of this country as they have it, and wish to resist the attempts that are made by some hon. gentlemen in this house, merely for the purpose of producing effect out of doors, some of whom have wasted a long life in doing nothing. (Hear, hear.) They would wish to resist such discussions as are provoked by motions made by hon. gentlemen, who know that no practical results can arise from their motions — (hear, hear,) — and whose only desire is to disturb the public mind — (hear, hear,) — and to take away from the eyes of the representatives of the people here the great object for which they were sent into the Legislature. It is with feelings of disgust that I look at the attempts which are being made by some hon. members to shake this Union, which has raised us up from a poor miserably [sic] colony to be the great nation we are now; which has given us a credit in the markets of Europe, when in former times our name was unknown, and our paper of no more value than waste. (Hear, hear.) I say that I look upon them with perfect feelings of disgust. Now the hon. member for Montreal wishes to throw upon *me* the wish to disturb the Union. I deny it. From the beginning I always looked forward to the Union as a means of making us a great people. But would I stoop to advise the people of my adopted country to resort to such a plan as that proposed by the hon. member for Montreal? I would scorn to do so. I would scorn the idea of breaking up our Legislature into small municipal bodies. It might suit the hon. member for Sherbrooke very well indeed to have the Legislature sitting in Sherbrooke, and the hon. member for Montreal to have a Legislature sitting at his door, and I am quite sure that it would suit the enlightened mind of the hon. member for Champlain, (laughter) to have a Legislature at his door. (Hear, hear.) But if the district of Montreal is entitled to be formed into a separate Province, I do not see why Champlain should not require the Government to be located down there, and then this United Paovince [sic], which is looked upon as a great country, would be broken up into small fragments, which the people would have to support, and then with our split up houses what would be the result? Why, we should be thrown into that confusion, which we could not extricate ourselves from. I can very well look forward to a time when a Federal Union can be formed of all the British North American provinces, (hear, hear,) but to think of breaking up this united Legislature into small bodies, is preposterous. Have we not got bodies now gifted with sufficient powers to legislate for all local purposes. Have we not our municipalities throughout the country, and what, I demand to know, would these subdivisions be, which are proposed by the honorable member for Montreal, but municipal bodies. That is the bright idea which the hon. member accuses us of having shut out from the light of the day, and he would wish to appoint a committee to reorganize a new constitution, although we have one now, and have had for so many years, but he wishes to come here and upset it, and why? Because taking up the arguments made use of by the friends of Representation by Population, by those who wish to destroy the federal principle of the Union, and taking ground against the Lower Canadians as he has lately done during this session; he tells us that he is prepared to go for Representation by Population if we do not give him a repeal of the Union, or consent to this new and bright idea of breaking up the Province into small governments. Well, I can tell that hon. member that I am prepared at this moment to say, that I will never consent to a retrograde movement in the government of this country. If there is to be any change it must be a change in advance, which will place us in a prouder position than we are now, and not to do as the hon. members for Sherbrooke and Montreal have said, to tear the system to pieces! If we are to have any change it must be a Federal Union. But as the hon. member for Montreal has been kind enough to take up my views

upon the subject, I think that the day is far distant when such a Federal Union can take place. There is no interchange of trade, or sympathy with the trade of the Lower Provinces, but we must be connected with those relations before we can be placed in a position even to talk or think seriously of a Federal Union. I am not in the slightest degree alarmed by this demand of Representation by Population, and I am prepared to go further and say, that if the population of Lower or Upper Canada should exceed each other by a very large figure¹⁴¹ —

MR. BROWN. — What figure?¹⁴²

MR. AT. GEN. DRUMMOND. — By a very large majority. I beg the hon. gentleman not to interrupt me. I do not say that this demand should be resisted — (hear, hear) — but I say that it is insisted upon that, whichever section happens to be in the minority must certainly endeavour to place itself in a better position than that in which it was before.¹⁴³ (Hear, hear, hear.)¹⁴⁴

A Member. — “What position?”¹⁴⁵

[MR. AT. GEN. DRUMMOND continued:] It is only a few ... years since we laid down the basis of our representation upon an equal system; and since that time, no change has taken place which should induce us to alter that principle. Nay, I believe, in the first place, that the census of Lower Canada was not properly made — (Hear, hear, hear,) — ¹⁴⁶

A Member. — “Very bad”¹⁴⁷.

[MR. AT. GEN. DRUMMOND continued:] — that the people there were deterred from giving a true statement of population, because, in many places, they were given to understand by many of those who are ever eager to rouse up the prejudices [sic] of the people, (there are some to be found of that class in both Upper and Lower Canada) they were given to understand that the object of the census being taken was, “taxation.” There are reasons to believe that there will be no disproportion in population for some years to come, in the two sections of the Province, for while at the present moment the lands which are available for settlement in Upper Canada are few, in Lower Canada there are vast tracts of land to be peopled, and since this census was taken large tracts of this land have been settled by an industrious population. And there is another reason why I foresee that the population of Upper Canada will not exceed, to any great extent, that of Lower Canada, and it is the falline [sic] off of emigration to the former. We looked principally to Ireland, before, for our emigration, but for some years past the affairs of Ireland have assumed a different aspect. The Encumbered Estates Bill has restored prosperity to the people of that country, and its people cease to emigrate. Look at the returns of the present year, and you will find that the smallest proportion of our emigration came from Ireland, and that there has been an immense falling off from year to year, some 25,000 or 30,000. If it was upon the alteration in emigration, Upper Canada fails in comparison with Lower Canada. — In the latter section the natural increase of population is greater than that of the former. Although she possessed but about 65,000 inhabitants at the time of the conquest, her population has now, without any very remarkable increase from emigration, reached a point nearly, if not equal, to that of Upper Canada, with all the resources that she had of emigration. I do not intend to go fully into the subject. I am most anxious to proceed with the business of the house, and to avoid as much as possible all these discussions upon organic measures. Not that we wish to shrink from discussion where it may lead to some practical and immediate benefit; but we wish to save the time and money of the country, by avoiding those discussions which used to be indulged in at a certain period, in a country where, in the space of some four or five years, no less than four or five new constitutions were submitted to the Legislature. But there are some hon. gentlemen who seem to fancy that they have been sent to this Legislature not to work out the moral and material prosperity of the country, but merely to indulge their own desires to break up the constitution. The hon. member for Montreal still returns to his own love, and says that those are not changes

which he would have wished to see, but that as he cannot get these changes which he would have wished, he will adopt the other. I think that that change is perfectly well understood, and which the hon. member maintained some years ago. The change which he has alluded to, in rather an obscure manner, was, "annexation to the United States," and that is a change, Sir, which, I trust, will never come about; but I do trust that, proceeding in that way of progress in which I should like to see us proceed, if we find that this Union cannot continue to be worked out with the success which has attended it hitherto, I trust that we shall have a Federal Union of the British North American possessions, and then I say that¹⁴⁸ if ever the time should come when we shall bid farewell to the British flag, it will be to become a free nation, instead of a portion of America, borne down by the drags and chains of slavery.¹⁴⁹

MR. BROWN. — I am quite sure, Mr. Speaker, that this debate must have highly gratified such members of this house as have long contended for equality of representation, with little apparent prospect of early success. I think it must have convinced them that the day of deliverance is not far off. The Hon. Attorney General East has been pleased to say that he looks upon this question of representation by population as a petty question — as "a mere idle theory." Sir, I could not help contrasting the position of the hon. gentleman on this question with that of my hon. friend from Montreal (Mr. Dorion), and I confess I did think it was the Attorney General who stood chargeable with a petty spirit — with dealing in idle theories, and that on the contrary, the question presented by my hon. friend is one of the gravest and most important that could possibly occupy the attention of this house, and that it was treated in a statesmanlike manner, worthy of the subject and of the speaker. I think hon. members from Upper Canada who have been in the habit of voting against representation [sic] by population must have learnt a salutary lesson from what has been heard to-night. What has been the argument of those hon. gentlemen who have year after year opposed the motion brought before this house? Have they attempted to say a word against the principle? No. Their reply to us had always been that we could not carry the measure; that hon. members from Lower Canada would never consent to representation by population, and that there is no use voting for it. But what have we heard on this point to-night? Why, we have had it manfully declared by the hon. member for Montreal on this side of the house, that he cannot deny the righteousness of the principle of representation by population, and that if he fails to carry a Federative system, he for one will vote for it. (Hear, hear.) What, too, have we heard from the Attorney General East? Why, that even he is prepared to grant representation by population, so soon as the population of Upper Canada shall be shown to be largely in excess of that of Lower Canada. (Hear, hear.) That was the hon. gentleman's statement, and I hope it will be recorded that the two leaders of Lower Canada — the leaders on both sides of the house — have announced themselves in favour of representation by population. (No, no.)¹⁵⁰

MR. AT. GEN. DRUMMOND. — I did not say that. I said that if at some particular time the population of either section of the Province should be larger than the other, that it would then be time for us to consider how far that section of the Province which was in an inferior position could be dealt with.¹⁵¹

MR. BROWN. — I am rather under an impression that the hon. Attorney General has placed the matter in a milder light than he did before, but I accept at once the light in which he desired to place it, and I apprehend that the hon. gentleman's second statement is essentially all that we could wish. If the population of Upper Canada shall be found greatly to exceed that of Lower Canada, the hon. gentleman says he will consider the subject; well sir, when he considers it, what will he do? Will he deny justice to Upper Canada? Will he then say that she should not have representation by population? He will not say so — and the conclusions I have drawn from his remarks were therefore undeniably just, and I shall hold the Attorney General as an advocate of representation by population as soon as the population of Upper Canada shall largely exceed that of Lower Canada. And when shall that time arrive? According to [t]he views of the people of Upper Canada, it has arrived now. And will not another

census clearly show the gross injustice done to Upper Canada beyond all possible cavil? That census ought to be taken at the end of five years from the time it was last taken — or on 12th January, 1857. Why then shall we not legislate now with a view to that census? The house must bear in mind, that the advocates of representation by population have not said that we must have representation by population to-day or to-morrow — we are satisfied to take it at next general election. All we ask is that justice shall be done to Upper Canada. We cannot remain content with an inferior position in the Union. We have 300,000 more people than Lower Canada, and we pay \$12 or \$13 into the Provincial chest for every \$4 contributed by Lower Canada — and all we ask is that an elector in Upper Canada shall have the same political influence as an elector in the lower province. The people of Upper Canada will never submit to a continuance of the Union, unless this bare act of justice is granted them. Honourable gentlemen, sir, may think that by moving the previous question and choking off discussion in this house, they will still the discontent throughout the country, but I can tell them they are greatly mistaken. The people of Upper Canada of all parties are perfectly united on this question; and such motions as this of the previous question by the Provincial Secretary will only strengthen the determination to secure justice at our hands. The honourable Attorney General says the Government have no fear to discuss this question in all its bearings; but I think his statement will not go with very great force to the country in face of the fact, that his colleagues [sic] has moved the previous question, so as to kill the amendment which I was about to place in your hands for a consideration of the whole question of the condition on which the union now is based. If the hon. gentleman acted wisely, and really desired to maintain the Union, and the credit of the country, he would yet get his colleague to withdraw the previous question, and allow the whole subject to be considered. If he does not, the country will see that the government and their supporters are afraid to test the opinion of the house, and only adopt their present course to avoid meeting a vote on representation by population. My amendment would be that we send the whole subject to a large committee chosen from both sides of the house, and representing all sections and interests, and instruct them to inquire if they cannot discover some basis on which Upper and Lower Canada can go on harmoniously together, without injustice to either. If a large vote were given upon this proposition it would tend more to settle the differences among us than if we got a large vote to-night in favour of a dissolution of the Union. I am not in favour of dissolution; I have always opposed dissolution, and I shall continue to oppose it so long as there is any chance of justice being done to Upper Canada. But when that hope is at an end, I will not hesitate to advocate separation.¹⁵² He [Mr. Brown] hoped the Government would allow the motion to be withdrawn.¹⁵³

MR. O'FARRELL. — I object to the motion being withdrawn.¹⁵⁴

[MR. BROWN continued:] If I had any hesitancy in coming to the resolution of voting against the motion of the hon. member for Haldimand, it was entirely put to flight when I heard the speeches of the hon. member for Montreal and the Attorney General East, admitting the principle of representation by population, and treating it as a mere question of time. I shall still continue to struggle for the great reform of representation by population; and I appeal to Upper Canadian members, who have heretofore opposed us upon it, to say whether they are true to their trust — true to the interests of Upper Canada, when they hesitate to come forward upon every occasion with their votes and influence, and strengthen the hands of those who for years have been urging on Parliament this great principle of reform. Hon. members say there is no use in voting for it. Why? "Because," they say, "we cannot carry it." And how, sir, shall we ever be able to carry this or any other measure, if those who are in favour of it vote against it? It did strike me when I heard the sneers of the Attorney General East, at the speech of the hon. member for Montreal, that the unjust comments which the hon. gentleman made upon that speech, might, with great force, be turned against himself. My hon. friend treated the subject as a great national question; he took a most statesmanlike view of the future destiny of the country — he admitted the injustice done to Upper Canada under the existing arrangement; he did not conceal from himself the causes of dissension which exist — and he applied himself to the task of finding some mode of meeting the whole

difficulties, which beset us. The hon. member recognized the necessity of placing all the people of the country upon the same footing; of rubbing out the dividing line between the two sections, or else adopting the principle of a federal union. The Attorney General East sneered at the idea of having a federal union, and at our being divided into two or three petty principalities.¹⁵⁵

MR. AT. GEN. DRUMMOND. — Yes, half a-dozen!¹⁵⁶

MR. BROWN. — Would these states be so petty in a country of such magnitude as Canada? We have territory enough now to make several large states and when the Hudson's Bay Territory comes to us — as it undoubtedly must do at no great distance of time — there will be space for as many more. Have we never heard of states much smaller than ours would be? — states which have taken their stand creditably as self-governed communities. Nay, sir, had we not two states of Upper and Lower Canada, at a time when our population was but a third its present strength? I am not prepared to say that the Union of Canada has not produced great fruits. The material results have been very satisfactory, the country has progressed with wonderful rapidity — much faster, I am persuaded, than it would have done otherwise. Hut [sic] while I say this do I close my eyes to the evils it has entailed — do I conceal from myself this fact, that instead of effecting those moral and political ends for which it was brought about — it has drawn the line between the two sections more distinctly than before — and demoralized our public men in a manner most lamentable to contemplate. Is it not a fact that we are arranged in this house as two different nations — each separately represented, — our public money squabbled for, and divided between the contending sections? We have one part of the country absolutely watching the other — trying to find fault because that it has not had its due share. All this is most ruinous to the perpetuation of the Union. Then we have two systems of legislation and policy for the two sections — and to carry it out, we must have double consciences, one for Upper and another for Lower Canada. How can we help differing upon a great many subjects, while we have two different systems of legislation? When a Bill is brought into this house, founded upon a Lower Canada principle to-day, and one comes to-morrow on an Upper Canada principle — how shall members act? Shall a member give a vote to sustain a Bill which he cannot conscientiously approve of? And, yet, how otherwise can members from both sections of the Province act together? Do we not see every day the demoralizing effects of our position? It cannot go on thus always, Mr. Speaker — and there are but three ways of meeting the evil: by repealing the Union of the Provinces, or by assimilating our systems of local legislation — adopting representation by population, and wiping out the absurd boundary line which now separates us; or, thirdly, by remaining together for all national purposes, and leaving local questions to local legislatures. One of these courses must be taken — and however the Government may now resist, it will not be long they will be able to resist it. The Attorney General East was pleased to say he would never consent to a retrograde movement; if there was to be a movement made at all, it must be a union of the whole Provinces, with the ultimate intention of becoming an independent nation — ¹⁵⁷

MR. AT. GEN. DRUMMOND said that was not what he had stated, (order, order.) The hon. member for Lambton had misrepresented him — he would not say that that hon. gentleman had done so intentionally, but he has an unfortunate habit of doing so, (order, order.)¹⁵⁸

MR. BROWN said he had sat down that evening before, when the Attorney General East rose to correct him, but he would not do so on that occasion. The hon. gentleman was, however, only exercising his usual practice of saying one thing in his speech, and unsaying it again, afterwards, (order.) He (Mr. Brown) had not misstated the hon. gentleman.¹⁵⁹

MR. AT. GEN. DRUMMOND rose to a question of order. He stated no such thing, and denied having made use of the assertion imputed him, by the member for Lambton. (Cries of order and confusion.) He would explain what he did state, (order, order.)¹⁶⁰

MR. SICOTTE the SPEAKER interrupted the hon. gentleman and said it was a very irregular practice to make an explanation by interrupting any hon. member while he was speaking.¹⁶¹

MR. AT. GEN. DRUMMOND — (cries of chair, chair,) would not assert that the hon. member for Lambton wilfully misrepresented him, but he would say that he had a habit of doing so. (Order, order, chair, chair.)¹⁶²

MR. SICOTTE the SPEAKER felt bound to call the hon. gentleman to order. He should see that in asserting that the hon. member for Lambton had a habit of misrepresenting him, he was stating by implication that he had done so designedly.¹⁶³

MR. BROWN (sitting down). — Let the honourable gentleman state what he did say. When he finds his words reported to-morrow, it will be seen, I think, that I have not misrepresented them.¹⁶⁴

MR. AT. GEN. DRUMMOND would beg permission to restate what he had stated before, in the most distinct manner. His statement was that he would never consent to a retrograde movement. If we found we could not carry out this union so successfully as we had hitherto done, he would wish to see a federal union of all the British possessions. He then said that if ever a time should come when we should be compelled to bid adieu to the British flag, he hoped we would become a great and independent nation — that we would not be annexed [sic] to the United States, to be dragged down with a load of slavery, but would become a great and independent State for ourselves.¹⁶⁵

MR. BROWN said — Now that they have been favored with the hon. gentleman's own version of this statement, he would like to know where was the difference?¹⁶⁶

MR. AT. GEN. DRUMMOND. — The difference is, — a federal union — an independent State.¹⁶⁷

MR. BROWN would deny the statement of the hon. Attorney General East, that he (Mr. B.) had been in the habit of misstating that hon. gentleman's remarks. On the contrary he would maintain that on several occasions, during this Session, that hon. gentleman had committed himself by the most singular statements. Amongst the foremost of these, stood his recent avowal, that Lower Canada should seek for a new state of political existence; and when in the course of the debate, he was subsequently charged with making use of the expression, he then endeavored to explain it away, by flying off to another subject.¹⁶⁸

MR. SICOTTE the SPEAKER. — Order.¹⁶⁹

MR. BROWN. — The honourable gentleman's proposition is exactly as I understood it and stated it. He says, if we are to make any change, he is in favour of a union of the whole provinces, and if there is to be any change beyond that, then we should become an independent nation. I quite agree with the honourable gentleman that that would be a far better resort than becoming the fag end of the American Republic. (Hear, hear.) But I hope the day is very far distant when the connection between this country and Great Britain shall be severed. (Hear, hear.)¹⁷⁰ He was glad the present debate had taken place, for its effect would be to show the Upper Canada members that there was not only a possibility, but almost a certainty of their attaining Representation by Population, if they firmly and unitedly demanded it. The question now rested with them. If they persisted in keeping the question before the House, as the Lower Canada members did whenever they wanted to get anything — then, they should get it. In his opinion, if a committee had been allowed to take the whole matter into consideration in order to suggest some compromise — if it were considered in a proper manner, apart from sectional and personal feelings — it was more than probable they would find some ground on which all parties might agree. But

that has been prevented by the hon. Provincial Secretary moving the previous question. He sincerely hoped the Government would re-consider this decision and allow the question to come fairly before the House in the manner he proposed [sic].¹⁷¹ I regret very much that we are confined to the consideration of the particular proposition moved by the honourable member for Haldimand. I shall be compelled for the present to vote against that motion. What course, when the question is again presented, one may feel obliged to take, it is impossible to say — but for one I shall never give such a vote without great reluctance. — Upper Canada, I believe feels intensely on this subject. And I would just say to hon. gentlemen that it is far better to meet the difficulty now than so [sic] put it off to a future day; for ere long it will certainly present itself in a still more formidable shape.¹⁷²

MR. EVANTUREL opposed Mr. Mackenzie's motion, and also declared¹⁷³ [that he] would never consent to representation by population.¹⁷⁴

MR. SANBORN participated in the regret expressed by the hon. member for Lambton, that the ministry had resorted to an unworthy shift merely to evade a question which must sooner or later be met by all parties.¹⁷⁵ [He] regretted that the Government being opposed to dissolution and representation [sic], were also opposed to free discussion, and unable to suggest any mode of quieting the public mind. This question of equal justice must be met, and should not be trifled with.¹⁷⁶ He felt surprised that the hon. Attorney General (East) had directed a volley of sarcasm and affected wit against the wise and calm speech uttered by the hon. member for Montreal (Mr. Dorion.) The shafts of ridicule would recoil on him who employed such puerile weapons to controvert a statesman-like and temperate speech. — The government ought to have been prepared to meet this question in some shape or other.¹⁷⁷ These agitations are hurrying the country to a crisis that must be met boldly and decisively; or else it will involve the country in great difficulties. The question of a dissolution of the Union was an old one and had often been brought forward by the hon. member for Haldimand; but the other question was a new one.¹⁷⁸ He was aware how easy a thing it is to raise an agitation on a subject like this, new and popular. And although ... the hon. member for Haldimand seizes upon every subject which will afford him food for excitement, and all the old topics have now grown stale; the fact, therefore, of his adopting this question is sufficient evidence of its force and popularity, apart from its justness in a political point of view. There could be no doubt that the people of Upper Canada¹⁷⁹ desire representation by population, and unless they get what they want, they will seek a dissolution of the Union. He (Mr. Mackenzie) has repeatedly assured us that it was only when he saw that L.C. and the local government had denied and would deny an equality of representation in the two branches of the legislature to U.C., that he had seriously agitated for dissolution.¹⁸⁰ The House is bound to look at the great question which was presented to it, not in a narrow, local point of view; but they must treat it as a great national question.¹⁸¹ The hon. member for the county of Quebec has declared his opposition to the change. The predecessor of that hon. gentleman (Mr. Cha[u]veau) was of the opposite mind; *he* both argued and voted for that basis. (Hear, hear.) There was no need of the Lower Canadians being fearful of losing their influence, if this change were adopted; they are too united and compact to sustain injury. He ridiculed the hon. Attorney General's idea of a grand confederation. It had more importance in name than reality. Nor would it suffice to meet the difficulties experienced every day.¹⁸² The country ... only needs to have justice, and to hold on to its present state. By seeking an alliance with other powers, the country is seeking an alliance with weakness; and at the same time it is losing its present reputation.¹⁸³ Representation in accordance with population was the only practicable mode of solving these difficulties.¹⁸⁴ It was for that reason, that he (Mr. Sanborn) considered that the view taken by the hon. member for Montreal was a good one. He should vote against any motion that would have for its object simply the dissolution of the Union, as it was his wish that the Union should continue, and whatever may be said by hon. gentlemen in contempt of Lower Canada, it was his opinion that the interests of both sections of the Province were closely bound together¹⁸⁵, and to separate them would be merely to injure both sections, and to

add another evil to the many abuses of which parties in either division so justly complain.¹⁸⁶ The House should rather seek to obviate the difficulties under which the country is placed, as the hon. member for Montreal had done. The proposition of that gentleman better met the true position of the country than any thing that was ever laid before the House.¹⁸⁷

CAPT. RHODES agreed with the view taken by the last speaker. He objected, however, to the way in which the motion had been brought forward. The mover seemed to think that injury had been done to Upper Canada. The hon. member for Lambton had only dealt with representation by population in theory.¹⁸⁸ He [Capt. Rhodes] quite agreed that the theory of representation must be by population, but that was a different thing from carrying it into practice. The question of the dissolution of the Union and that of representation were so intimately connected that they could be well discussed together.¹⁸⁹ Hon. gentlemen had spoken a great deal on the difference of population between Upper and Lower Canada¹⁹⁰, [but] the population of Upper Canada only exceeded that of Lower Canada by 65,000.¹⁹¹ Let them examine the census last taken, and they would find some curious facts. Supposing the census to be correct, and some hon. gentleman denied that it was so, it shows that the births in Upper Canada for 1851, were 32,681; and the births in Lower Canada for the same year amounted to 36,739; thus showing a difference in favor of Lower Canada, of children born in the country, of 4,058. (Hear, hear.) From the same source we learn that the unproductive female population of Upper Canada, from 16 to 50 years of age, was 162,143, and the same class of women in Lower Canada only numbered 124,910, thereby giving to Upper Canada a population of 37,238 unproductive women more than in Lower Canada. (Laughter.) These were important facts, as they showed that the number of children born in the country was much greater in Lower Canada than in Upper Canada. Therefore, the House must look somewhere else than to births, for the increased population of Upper Canada. He would again refer to the census and see if an explanation could be given. It is there stated that the American population in Upper Canada was 43,000, and those of the same nation in Lower Canada were 12,000, thus giving to Upper Canada a population of 31,000 Americans. Also, the German population in Upper Canada number 10,000 and in Lower Canada only 159, the majority in Upper Canada being 9,841; and the colored population of Upper Canada was 2,000, while in Lower Canada it was only 18, thus making the surplus 1,982 in Upper Canada. Adding all the foreign population in Upper Canada together, we find that there is a population there of 80,056 inhabitants who are not entitled to representation because they are either unproductive or foreigners.¹⁹² In point of fact Lower Canada had a population 20,000 larger than Upper Canada, so far as Canadians were concerned¹⁹³. It was a question of great importance whether — if Upper Canada was to receive a large increase to her population from the southern States, or from an influx of German and other foreigners, — in such a case this House should pass a law to give them a superior representation to Lower Canada.¹⁹⁴

MR. FOLEY said that the classes alluded to by the last speaker were equally wealthy and intelligent, if not superior to the constituents of that hon. member, and equally well entitled to the privilege of the franchise. He protested indignantly against the insinuations of the hon. gentleman against the American and German portion of the population, who were among the most intelligent to be found in our country.¹⁹⁵ [He] could not sit still and hear the hon. gentleman ... place Americans and Germans on the same footing with fugitive slaves. He would like to know if that was what the hon. gentleman meant? He could tell that hon. gentleman that¹⁹⁶ in the county which he had the honour to represent, there were large numbers of these classes, and they had more schools in their locality than in the surrounding districts.¹⁹⁷ Many of ... [them] had come into Canada in its infancy and been the pioneers of its prosperity, as they were now among its wealthiest and most enterprizing inhabitants¹⁹⁸; and he would not see them classed and spoken of as the hon. gentleman had done.¹⁹⁹

CAPT. RHODES's object was a mere question of population. He bid [sic] not think that any person would [think] of comparing Germans and Americans to fugitive slaves. He was astonished at the

feeling shown by the hon. member, and thought he was rising to enter his indignant protest against the way in which the unproductive females had been spoken of. (Laughter.)²⁰⁰

MR. FOLEY had no such intention. It was to take the part of his cons[ti]tuents, who were mostly Americ[a]ns and Germans, that he stood up. (Laughter.)²⁰¹

MR. C. DAOUST condemned the Government for not taking up the matter in earnest and compared the statesmanlike views of Mr. Dorion with those of the Attorney General East. He compared the position of Upper and Lower Canada with that of Holland and Belgium, which, after a union of sixteen years, had found that from the differences of race and religion it was better to separate. He then referred to Switzerland, where so many races were combined, and who, when closely united, suffered from constant strife, and who, when separated, had been happy and prosperous. He had been opposed to the Union when it was consummated, because he thought it was founded in injustice, and he thought so still. At the same time, there were great difficulties in the way of a dissolution of this Union, and he was not prepared to vote for it unless it was desired by both sections of the province, but circumstances might arise very soon when this would be the case.²⁰²

MR. O'FARRELL (in French) condemned the conduct of the member for Montreal, and others of the Rouge party, who followed in the wake of the members for Haldimand and Lambton, and joined in their opposition²⁰³ to the religious, pious, educational institutions of Lower Canada. He contended that representation by population was no part of the British constitution, and was not acted upon in England, and could not and ought not to be carried out here. The Act of Union was a contract accepted by Lower Canada, which should be looked upon as final.²⁰⁴

MR. LABERGE said that the question was put in such an extraordinary manner that, although in favour of the principle, he could not vote for it in its naked form unless prepared in such a way as to lead to a practical result. He was in favour of a dissolution of the existing Union if any proper provision were made to obviate all the inconveniences that would arise from doing so. It would be necessary to make some provision for the payment of the public debt and the disposal of the public works. He considered that the question was not regarded in its proper light. It was looked upon as *un fait accompli*. They might be united for fifty years, but under a liberal form of Government there never could be any sympathy between them. The only thing they could mean by a union was fusion, which he did not desire. He wished that both races should have free course but that they should be united on great questions. He did not think that a union with the other Provinces would affect the question, as the population of those provinces was too small to make any difference. If the two provinces were divided into four, each section would have a population equal to that of all the other provinces united. Lower Canada would never consent that in a united Parliament Upper Canada should have a superior position. At present they had two Administrations, for when a majority from Upper Canada was against the Governm[en]t [sic] the Upper Canadian section of the Government retired, but not the Lower Canadian. He could appreciate the desire that was entertained by the British population that this should be one great country, but he could not, as a French Canadian, consent to give up his nationality. He put it to the people of Upper Canada whether they would have representation by population or a dissolution of the Union. They said yes to the first proposition, and no to the second. He condemned the ministry for evading the question of representation by population. There were certain great difficulties in the way of a dissolution of the Union which would increase every year, and both the debts and liabilities for works undertaken would every year be increased. Suppose the population of Upper Canada should increase in the ratio that may be expected, would it be possible to maintain this Union. He considered that it would not. As it is, half the time of the session is taken up with mutual recriminations between the people of the two provinces. In such a case it would be hopeless to attempt to preserve any harmony. For a province to increase, there should be only one government, which should all pull together, but that was impossible

now. The theory of the member for Montreal had been treated as crude and absurd, but it was far more statesmanlike than that of the Attorney General.²⁰⁵

On motion of MR. AT. GEN. DRUMMOND the debate was adjourned till Monday.²⁰⁶

(375)

And the Previous Question being again proposed, That that Question be now put: — And a Debate arising thereupon;

The Honorable Mr. Attorney General *Drummond* moved, seconded by the Honorable Mr. *Morrison*, and the Question being put, That the Debate be adjourned until Monday next; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Bourassa, Brodeur, Brown, Bureau, Chapais, Conger, Cook, Charles Daoust, Jean B. Daoust, Darche, DeWitt, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferrie, Foley, Frazer, Guevrement, Holton, Jobin, Labelle, Laberge, Roderick McDonald, Mackenzie, Marchildon, Meagher, Munro, Papin, Patrick, Polette, Pouliot, Prévost, Rolph, Solicitor General Ross, Sanborn, Shaw, Southwick, Thibaudeau, Turcotte, Valois, and Young.* — (45.)

NAYS.

Messieurs *Cartier, Casault, Cauchon, Chisholm, Christie, Church, Clarke, Cryslar, Desaulniers, Jean B.E. Dorion, Evanturel, Ferres, Thomas Fortier, Hartman, Laporte, LeBoutillier, Lemieux, McCann, Masson, Matheson, Mattice, Joseph C. Morrison, O'Farrell, Rhodes, Scatcherd, Solicitor General Smith, Sidney Smith, Spence, and Wright.* — (29.)

So it was resolved in the Affirmative.

Then, on motion of Mr. *Jobin*, seconded by Mr. *Valois*,
The House adjourned.²⁰⁷

Appendix

[POSTPONED MOTION RE: SATURDAY SITTINGS.]

MR. GALT said that in order to facilitate the passage of private bills, he would move that the House do sit on Saturday in each week; between eleven and four o'clocks [sic], during the remainder of the Session, and that on those days the orders of the day do take precedence of all notices of motion. At this late period of the Session and with such a large amount of business before the House, he felt that such a course as that proposed by his motion, was absolutely necessary.²⁰⁸

DR. T. FORTIER had no objection to the motion, if the hours therein mentioned were altered from ten to one o'clock.²⁰⁹

MR. A. DORION (Montreal) thought there could be no objection to the princip[l]e of the motion. A similar course was adopted at the close of last Session and found to work well. But of course, they should consult the convenience of members of the Administration in the matter.²¹⁰

MR. SOL. GEN. H. SMITH was much pleased with the proposition, as far as he was individually concerned. He was quite willing to come to the House and give his attention to the bills as they passed through. He hoped, however, that the motion would not be pressed until the members of the Administration had taken their seats.²¹¹

MR. LARWILL hoped the motion would not prevail. It would be giving just so much encouragement to hon. gentlemen to make buncombe speeches. — Thus giving them an opportunity of doing what they ought not to do.²¹²

MR. SOL. GEN. D. ROSS complained that no notice had been given of this motion.²¹³

MR. GALT said that under these circumstances, he was willing to withdraw his motion with the understanding that he might bring it on to-morrow.²¹⁴

MR. O'FARRELL would oppose the motion unless notice were given.²¹⁵

The motion was withdrawn to be again brought up after the proper notice has been given.²¹⁶

Footnotes

1. *Globe*, 25 April 1856.
2. *Ibid.*
3. *Ibid.*
4. *Ibid.*
5. *Ibid.*
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. *Ibid.*
12. *Ibid.*
13. *Ibid.*
14. *Ibid.*
15. *Ibid.*
16. *Ibid.*
17. *Ibid.*
18. *Ibid.*
19. *Ibid.*
20. *Ibid.*
21. *Toronto Daily Leader*, 25 April 1856.
22. *Globe*, 25 April 1856.
23. *Ibid.*
24. *Ibid.*
25. *Ibid.*
26. *Ibid.*
27. *Ibid.*
28. *Ibid.*
29. *Ibid.*
30. *Ibid.*
31. *Ibid.*
32. *Ibid.*
33. *Ibid.*
34. *Ibid.*
35. *Ibid.*
36. *Ibid.*

37. *Globe*, 25 April 1856.
38. *Ibid.*
39. *Ibid.*
40. *Ibid.*
41. *Toronto Daily Leader*, 25 April 1856.
42. *Globe*, 25 April 1856.
43. *Toronto Daily Leader*, 25 April 1856.
44. *Globe*, 25 April 1856.
45. *Toronto Daily Leader*, 25 April 1856.
46. *Ibid.*
47. *Ibid.*
48. *Globe*, 25 April 1856.
49. *Ibid.*
50. *Toronto Daily Leader*, 25 April 1856.
51. *Globe*, 25 April 1856.
52. *Toronto Daily Leader*, 25 April 1856.
53. *Globe*, 25 April 1856.
54. *Toronto Daily Leader*, 25 April 1856.
55. *Ibid.*
56. *Globe*, 25 April 1856.
57. *Toronto Daily Leader*, 25 April 1856.
58. *Ibid.*
59. *Ibid.*
60. *Toronto Daily Leader*, 25 April 1856. This excerpt is taken from a synopsis report of the debate.
61. *Toronto Daily Leader*, 25 April 1856.
62. *Ibid.*
63. *Ibid.*
64. *Ibid.*
65. *Globe*, 25 April 1856.
66. *Ibid.*
67. *Toronto Daily Leader*, 25 April 1856. In a commentary, *Globe*, 25 April 1856, reports that in the afternoon, "a considerable amount of routine business was disposed of ... in the House; unopposed bills were passed rapidly through various stages, and there was no discussion of any consequence." In its synopsis report, *Toronto Daily Leader*, 25 April 1856, also notes that "it was decided by the House to go through the orders of the day, taking up unopposed Private Bills, with a view to their reference to the Committee on Private Bills."
68. *Toronto Daily Leader*, 25 April 1856.
69. *Globe*, 25 April 1856.
70. *Ibid.*
71. *Ibid.*
72. *Ibid.*
73. *Toronto Daily Leader*, 25 April 1856.
74. *Mackenzie's Weekly Message*, 2 May 1856.
75. *Globe*, 25 April 1856.
76. *Toronto Daily Leader*, 25 April 1856.
77. *Mackenzie's Weekly Message*, 2 May 1856.
78. *Globe*, 25 April 1856.
79. *Mackenzie's Weekly Message*, 2 May 1856.
80. *Toronto Daily Leader*, 25 April 1856.
81. *Globe*, 25 April 1856.
82. *Toronto Daily Leader*, 25 April 1856.
83. *Globe*, 25 April 1856.
84. *Toronto Daily Leader*, 25 April 1856.
85. *Mackenzie's Weekly Message*, 2 May 1856.
86. *Globe*, 25 April 1856.
87. *Mackenzie's Weekly Message*, 2 May 1856.
88. *Toronto Daily Leader*, 25 April 1856.
89. *Globe*, 25 April 1856.

90. *Mackenzie's Weekly Message*, 2 May 1856.
91. *Toronto Daily Leader*, 25 April 1856.
92. *Globe*, 25 April 1856.
93. *Mackenzie's Weekly Message*, 2 May 1856.
94. *Toronto Daily Leader*, 25 April 1856.
95. *Globe*, 25 April 1856.
96. *Toronto Daily Leader*, 25 April 1856. In its synopsis report, this newspaper specifies that Mr. Felton "spoke at great length".
97. *Toronto Daily Leader*, 25 April 1856.
98. *Globe*, 25 April 1856.
99. *Toronto Daily Leader*, 25 April 1856.
100. *Ibid.*
101. *Ibid.*
102. *Ibid.*
103. *Ibid.*
104. *Mackenzie's Weekly Message*, 2 May 1856.
105. *Toronto Daily Leader*, 25 April 1856.
106. *Mackenzie's Weekly Message*, 2 May 1856. This newspaper states that Mr. Chapais spoke in French.
107. *Toronto Daily Leader*, 25 April 1856.
108. *Ibid.*
109. *Mackenzie's Weekly Message*, 2 May 1856.
110. *Ibid.*
111. *Ibid.*
112. *Globe*, 25 April 1856.
113. *Mackenzie's Weekly Message*, 2 May 1856.
114. *Globe*, 25 April 1856.
115. *Mackenzie's Weekly Message*, 2 May 1856. The second ellipsis in this excerpt is replicated in accordance with this newspaper.
116. *Toronto Daily Leader*, 25 April 1856. *Mackenzie's Weekly Message*, 2 May 1856, reports that Mr. Marchildon spoke in French.
117. *Globe*, 25 April 1856.
118. *Mackenzie's Weekly Message*, 2 May 1856. *Toronto Daily Leader*, 25 April 1856, reports that Mr. Marchildon "went on to argue at some length against representation according to population, which he contended would operate unjustly with his portion of the country."
119. *Toronto Daily Leader*, 25 April 1856. This newspaper remarks that Mr. A. Dorion "made an able and effective speech, viewing the question in a calm, dispassionate manner."
120. *Globe*, 25 April 1856.
121. *Toronto Daily Leader*, 25 April 1856.
122. *Globe*, 25 April 1856.
123. *Toronto Daily Leader*, 25 April 1856.
124. *Globe*, 25 April 1856.
125. *Toronto Daily Leader*, 25 April 1856.
126. *Globe*, 25 April 1856.
127. *Toronto Daily Leader*, 25 April 1856.
128. *Globe*, 25 April 1856.
129. *Toronto Daily Leader*, 25 April 1856.
130. *Globe*, 25 April 1856.
131. *Toronto Daily Leader*, 25 April 1856.
132. *Globe*, 25 April 1856.
133. *Toronto Daily Leader*, 26 April 1856.
134. *Globe*, 25 April 1856.
135. *Toronto Daily Leader*, 26 April 1856.
136. *Globe*, 25 April 1856.
137. *Toronto Daily Leader*, 26 April 1856.
138. *Globe*, 25 April 1856.
139. *Ibid.*
140. *Toronto Daily Leader*, 26 April 1856.

141. *Globe*, 25 April 1856.
142. *Ibid.*
143. *Ibid.*
144. *Toronto Daily Leader*, 26 April 1856.
145. *Globe*, 25 April 1856.
146. *Toronto Daily Leader*, 26 April 1856.
147. *Globe*, 25 April 1856.
148. *Ibid.*
149. *Toronto Daily Leader*, 26 April 1856.
150. *Globe*, 26 April 1856.
151. *Ibid.*
152. *Ibid.*
153. *Toronto Daily Leader*, 26 April 1856.
154. *Ibid.*
155. *Globe*, 26 April 1856.
156. *Ibid.*
157. *Ibid.*
158. *Toronto Daily Leader*, 26 April 1856.
159. *Ibid.*
160. *Ibid.*
161. *Ibid.*
162. *Ibid.*
163. *Ibid.*
164. *Globe*, 26 April 1856.
165. *Toronto Daily Leader*, 26 April 1856.
166. *Ibid.*
167. *Ibid.*
168. *Ibid.*
169. *Ibid.*
170. *Globe*, 26 April 1856.
171. *Toronto Daily Leader*, 26 April 1856.
172. *Globe*, 26 April 1856.
173. *Globe*, 26 April 1856. *Mackenzie's Weekly Message*, 2 May 1856, reports that Mr. Evanturel spoke in French.
174. *Toronto Daily Leader*, 25 April 1856.
175. *Globe*, 26 April 1856.
176. *Mackenzie's Weekly Message*, 2 May 1856.
177. *Globe*, 26 April 1856.
178. *Mackenzie's Weekly Message*, 2 May 1856.
179. *Globe*, 26 April 1856.
180. *Mackenzie's Weekly Message*, 2 May 1856.
181. *Toronto Daily Leader*, 26 April 1856.
182. *Montreal Gazette*, 30 April 1856.
183. *Toronto Daily Leader*, 26 April 1856.
184. *Globe*, 26 April 1856.
185. *Toronto Daily Leader*, 26 April 1856.
186. *Globe*, 26 April 1856.
187. *Toronto Daily Leader*, 26 April 1856.
188. *Ibid.*
189. *Globe*, 26 April 1856.
190. *Toronto Daily Leader*, 26 April 1856.
191. *Globe*, 26 April 1856.
192. *Toronto Daily Leader*, 26 April 1856.
193. *Globe*, 26 April 1856.
194. *Toronto Daily Leader*, 26 April 1856.
195. *Globe*, 26 April 1856.
196. *Toronto Daily Leader*, 26 April 1856.
197. *Globe*, 26 April 1856.

198. *Mackenzie's Weekly Message*, 2 May 1856.
199. *Toronto Daily Leader*, 26 April 1856.
200. *Niagara Mail*, 14 May 1856.
201. *Ibid.*
202. *Globe*, 26 April 1856. *Mackenzie's Weekly Message*, 2 May 1856, reports that Mr. C. Daoust spoke in French.
203. *Globe*, 26 April 1856.
204. *Mackenzie's Weekly Message*, 2 May 1856.
205. *Globe*, 26 April 1856.
206. *Globe*, 26 April 1856. *Globe*, 25 April 1856, provides a commentary on this debate.
207. According to *Globe*, 25 April 1856, and *Toronto Daily Leader*, 25 April 1856, the House adjourned at about one o'clock.
208. *Toronto Daily Leader*, 25 April 1856. In its synopsis report, this newspaper specifies that this motion was brought up "after the reading of petitions".
209. *Toronto Daily Leader*, 25 April 1856.
210. *Ibid.*
211. *Ibid.*
212. *Ibid.*
213. *Ibid.*
214. *Ibid.*
215. *Ibid.*
216. *Ibid.*

FRIDAY, 25 APRIL 1856

(375)

THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Jean Baptiste Daoust*, — The Petition of the Mechanics' Institute of *St. Eustache*.

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By Mr. Solicitor General *Smith*, — The Petition of *Samuel Zimmerman* and others; the Petition of the *Hamilton* Board of Trade; and the Petition of *William Gunn* and others, of *Inver-Huron* and other places, County of *Bruce*.

By Mr. *Felton*, — The Petition of *H. Fowler* and others, of the Township of *Dudswell*; the Petition of the Reverend *James Bayne* and others; the Petition of *R.N. Webber* and others, of the Township of *Cleveland*; and the Petition of *William H. McCullough* and others, of the Township of *Windsor*.

By Mr. *Larwill*, — The Petition of *J. Mills* and others, of the Village of *Florence*; and the Petition of the Reverend *John Gunne* and others, of the Township of *Euphemia*.

By Mr. *Roblin*, — The Petition of the Municipal Council of the United Counties of *Frontenac*, *Lenox*, and *Addington*.

By Mr. *Sidney Smith*, — The Petition of *Thomas Solomon* and others, of the Township of *Alnwick*.

By Mr. *Hartman*, — The Petition of the Board of Public Instruction, County of *York*.

By Mr. *Brown*, — The Petition of *Thomas Hislop* and others, of the Township of *West Oxford*; the Petition of *Thomas McLean* and others, of the Village of *Innerkip*; the Petition of *G.N. Vail* and others, of the Town of *Fingal*; the Petition of *Martin McKinnon*, of the Township of *Vaughan*, County of *York*; and the Petition of *John Lindsay* and others, of *Litchfield*.

By Mr. *Aikins*, — The Petition of *George Dodds* and others, of the Township of *Caledon*, County of *Peel*; the Petition of *William Yale* and others, of the County of *Peel*; and the Petition of the Reverend [sic] *David Coutts* and others, on behalf of the United Presbyterian Congregation of *Chinguacousy*.

By the Honorable Mr. *Cayley*, — The Petition of *Simon Orchard* and others, of the Township of *Elderslie*, and other Townships.

By Mr. *Jean Baptiste Eric Dorion*, — The Petition of *L.B. Maurault* and others, of the Parish of *St. Simon*, County of *Bagot*; the Petition of the Reverend *E. Faucher* and others, of *Lotbinière*; the Petition of the Reverend *Joseph Bailey* and others, of *St. Pierre les Becquets*, County of *Nicolet*; and the Petition of *William McNeil*.

By Mr. *Holton*, — The Petition of the *Montreal* Board of Trade.

By Mr. *Charles Daoust*, — The Petition of *Gilbert Bergeoin* and others, of the Parish of *Ste. Cécile*; and the Petition of *M.F. Dépocas* and others, of the Parish of *Ste. Cécile*.

By Mr. *Brown*, — The Petition of *George Harris* and others, of the Parish of *Ste. Cécile*.

By Mr. *Roderick McDonald*, — The Petition of *John A. Queen* and others, of the Township of *Cornwall*.

By Mr. *Holton*, — The Petition of *Robert Smith* and others, of *Sydenham*, County of *Grey*.

By Mr. *Mackenzie*, — The Petition of *Mathew Gill* and others, of the Township of *Oneida*; the Petition of *Seth Smith* and others, of the Township of *Canborough*; the Petition of *James Watson* and others, of the Township of *Oneida*; the Petition of *Jacob Turner* and others, of *Caledonia*, County of *Haldimand*; the Petition of *C.S. Kelley* and others, of the Township of *Canborough*, County of *Haldimand*; the Petition of *Thomas Hardy* and others, of the Township of *Dereham*, County of *South Oxford*; the Petition of *D.C. Brady* and others, of the Township of *Rainham*; and the Petition of *John Callanan* and others, of the Township of *Wallace*.

By Mr. *Antoine Aimé Dorion*, — The Petition of the Mayor, Aldermen, and Citizens of the City of *Montreal*.

By Mr. *Rhodes*, — The Petition of *F.B. Cormier* and others, of the Township of *Somerset*.

(377)

By Mr. Egan, — The Petition of *William M. Kelly*, of the Town of *Brockville*, County of *Leeds*; and the Petition of the Municipality of the Township of *Clarendon*.

Pursuant to the Order of the day, the following Petitions were read: —

Of *F. Viger* and others, of the Parish of *Boucherville*; of *A.D.F. Lanaudière* and others, of *Boucherville*; of *L. Bélen* and others, of *Boucherville*; of *B.O. Martin* and others, of the Parish [of] *Les Saints Anges de Lachine*; of *Pierre Bruneau* and others, of *Maddington*; of *Nicolas Landry* and others, of *St. Germain*; and of *Louis Richard* and others, of *St. Eusèbe de Stanfold*; praying that no further guarantee may be given to the Grand Trunk Railway Company.

Of *François Delorme* and others, of the Parish of *St. Anicet*; praying to be indemnified for damage done to their property, caused by the construction of certain public works at the head of the *Beauharnois Canal*.

Of the Municipality of the Township of *Elgin*; praying for certain amendments to the Customs Duties Act.

Of the School Commissioners of the Parish of *Les Saints Anges de Lachine*; praying aid for the School in the said Parish.

Of *A.B. Johnson* and others, of the Township of *Magog*, Eastern Townships; praying aid for an Academy in the said Township.

Of the Trustees and Directors of *Stanstead Seminary*; praying for an Act of Incorporation.

Of *H.H. Date* and others, of the Township of *Waterloo*; praying that measures may be adopted as will prevent the existence of a grievance so serious, as that the Provincial Penitentiary should become a great manufacturing monopoly, instead of a place of correction.

Of the Mayor, Aldermen, and Commonalty of the City of *London*; praying for certain amendments to the Act 16 Vic. cap. 173, and 18 Vic. cap. 94, for the formation of Joint Stock Companies for supplying Cities, Towns, and Villages, with Gas and Water.

Of the Mayor, Aldermen, and Commonalty of the City of *London*; praying that power may be granted to the Municipal Councils of Cities in *Upper Canada* to extend the time for the collection of taxes after the 14th December.

Of the Municipality of the Township of *Caistor*; praying that the said Township may be detached from the County of *Lincoln* and annexed to the County of *Haldimand*, for judicial and other purposes.

Of *Philip Thompson* and others, of the City of *Ottawa*; and of *James G. Johnston* and others, of the City of *Ottawa*; praying for the passing of a Prohibitory Liquor Law.

Of the Reverend *H. Potvin* and others, of the Parish of *St. George de Kakouna* and other places; praying aid for Roads and Bridges.

Of *H.A. Maybee* and others, of the County of *Norfolk*; of *George Ghent* and others, of the County of *Halton*; and of *John Hawkins* and others, of the Counties of *York* and *Peel*; praying that means may be adopted to prevent the unnecessary expenditure of the endowment of King's College.

Of the Municipality of the Township of *Walsingham*; of *Charles Doan* and others, of the Town of *Aurora*; of *Seth Ashton* and others, of the Township of *Whitchurch*; of *E. Jackson* and others, of the Township of *Whitchurch*; of *A. Jack* and others, of the City of *Toronto*; of *John White* and others, of the Town of *Milton*, County of *Halton*; of *James Simmons* and others, of the Township of *Plympton*; of *William Henderson* and others; of *William MacNab* and others; of *George Brabazon* and others, of the Township of *Brock*; of *Thomas Burgar* and others, of the Township of *Merrittsville*; and of *Walter P. Lacey* and others, of the Town of *Brampton*; praying that Representation may be based upon Population.

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Of *Andrew Rae* and others, of the Township of *Ancaster*; of *John Johnston* and others, Indians of *Saugeen*; of *Robert K. Black* and others, of *Renfrew*; and of the Reverend *R. Irvine* and others, of the City of *Hamilton*; praying for the abolition of Sunday labor in the Post Office Department, and on the *St. Lawrence Canals*.

Of *Joseph Kent* and others, of the City of *Hamilton*; and of *Thomas Davidson* and others, of the City of *Hamilton*; praying that the Bill now before the House to prohibit the sale and manufacture of Ale and Spirits may not become Law.

Of the Horticultural Society of the City of *Hamilton*; and of *J. Brown*, President of the *Hamilton Horticultural Society*; praying for the passing of an Act for the encouragement of Horticulture.

Of the *Hamilton* Mercantile Library Association; praying for aid.

Of Messrs. *Pierson* and *Benedict* and others, of the Town of *Niagara*; praying that such measures may be adopted as will, while giving every facility for the introduction of raw material into this Country, impose such a duty upon manufactured articles as will protect the manufacturers in *Canada*.

Of *J.L. Brault* and others, of the City of *Montreal*; praying for certain amendments to the Bill now before the House to amend the provisions of the several Acts for the Incorporation of the City of *Montreal*.

Of *Robert Cromar* and others, of the Township of *Pilkington*; praying that no portion of the said Township may be included in the incorporated Village of *Elora*.

Of the Municipality of the Township of *West Gwillimbury*; praying that discretionary power may be vested in the Municipal authorities of each Township, to fix a rate of commutation for Statute Labor.

On motion of Mr. *Terrill*, seconded by Mr. *Felson*,

Ordered, That the Petition of the Trustees and Directors of the *Stanstead* Seminary, be now received and read, notwithstanding the expiration of the time fixed by the Rules of the House for the reception of Petitions for Private or Local Bills.

And the said Petition was received and read; praying for an Act of Incorporation.

Resolved, That the Petition of *Ira Schofield*, late Captain in the 2nd Regiment of *Leeds* Militia, during the War of 1812, be referred to a Select Committee, composed of the Honorable Mr. *Merritt*, the Honorable Mr. *Rolph*, Mr. *Wilson*, Mr. *Rankin*, Mr. *Church*, Mr. *Larwill*, and Mr. *Delong*, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Honorable Mr. *Cameron*, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Tenth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Bill to naturalize *Hervey Killam*, of the Township of *Townsend*, in the County of *Norfolk*, and have agreed to the same, without any amendment.

They have also examined the Bill to amend and consolidate the Laws relative to the Governors of the *Kingston* General Hospital, and have agreed to an amendment thereto:

And the Bill to incorporate the *Canada* Marine Insurance Company, to which they have made several amendments, which they beg to report for the consideration of Your Honorable House.

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Ordered, That the Bill to naturalize *Hervey Killam*, of the Township of *Townsend*, in the County of *Norfolk*, be read the third time on Monday next.

Ordered, That the Bill to incorporate the *Canada* Marine Insurance Company, as reported by the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Mr. *Sidney Smith*, from the Standing Committee on Standing Orders, presented to the House the Fourteenth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Petition of *Theron Dickey* and others, of the Township of *Clarke*, for a Survey of a certain Concession line in the Township of *Clarke*, and find the Notice sufficient.

On the Petition of *Joseph Levergood* and others, praying that their lands may be re-annexed to the Township of *Dawn*, it appears that no Notice has been given.

Your Committee have considered the Instruction of Your Honorable House, to consider and report as to the expediency of suspending the 62nd Rule with respect to the Petition of the Municipality of the Township of *Reach*, for the confirmation of certain By-Laws for closing up Roads; and they are not prepared to recommend a suspension of the Rule.

Ordered, That the Bill to amend and consolidate the Laws relative to the Governors of the *Kingston* General Hospital, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

[On motion of] MR. A. MORRISON¹,

- (379) *Ordered*, That the 62nd Rule of this House be suspended as regards a Bill to incorporate certain persons under the name and style of the *Lake Huron Transit Company*.
 Ordered, That Mr. *Angus Morrison* have leave to bring in a Bill to incorporate certain persons under the name and style of the *Lake Huron Transit Company*.
 He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

[On motion of] MR. BOWES²,

- (379) *Ordered*, That the 62nd Rule of this House be suspended as regards a Bill to incorporate the *British Bank of Canada*.
 Ordered, That Mr. *Bowes* have leave to bring in a Bill to incorporate the *British Bank of Canada*.
 He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.
 Ordered, That Mr. *Sidney Smith* have leave to bring in a Bill to authorize a Survey of and establish the Concession line between the seventh and eighth Concessions of *Clarke*, and for other purposes.
 He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.
 Ordered, That Mr. *Angus Morrison* have leave to bring in a Bill for the protection of the Fisheries in *Upper Canada*.
 He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.
- (380) On motion of Mr. *Sidney Smith*, seconded by Mr. *Patrick*,
 Ordered, That the Bill from the Legislative Council, intituled, "An Act providing for the payment of Dividends by Insurance Companies," be now read for the first time.
 The Bill was accordingly read for the first time; and ordered to be read a second time on Monday next.

MR. AT. GEN. DRUMMOND moved for leave to bring in a bill to amend the Seigniorial Act of 1854, and the Seigniorial Amendment Act of 1855, in order to further and facilitate the operation of the same. The hon. gentleman briefly explained the alterations he proposed to make.³ He wished to do away with the necessity of the month's residence of a commissioner in each Seigniority to receive complaints, by leaving the matter in the hands of some Local Agent and so saving expense. The Crown Seigniories would also be brought under the operation of the law, and the *lods et vent[er]s* there abolished from the passing of the law. The right of appeal to England, on the part of the Seigniors, had lapsed, notice not having been given to the Crown within the time prescribed. The Island of Montreal would remain as at present, excluded from the operation of this bill, and subject to the old commutation law.⁴ He hoped that, by adopting those alterations, and carrying out the measure effectively, they would be able to do more towards consolidating the Union than they could in any other way.⁵ When those tenures were made free, they would soon see a large emigration from Upper Canada to the Lower Province — they would see such a degree of activity introduced into Lower Canada, as would shortly place it on a par with the Upper Province.⁶

After a short conversation, the Bill was read a first time.⁷

- (380) *Ordered*, That the Honorable Mr. Attorney General *Drummond* have leave to bring in a Bill to amend the Seigniorial Act of 1854, and the Seigniorial Amendment Act of 1855.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

MR. AT. GEN. DRUMMOND moved, "That after this day, measures in charge of members of the Administration do take precedence of all other matters on every Wednesday, until the close of the present session, in addition to Tuesdays and Fridays."⁸

Some conversation arose as to whether the house should sit on Tuesday next⁹ [OR] on Wednesday next — the proposed Thanksgiving Day.¹⁰

MR. AT. GEN. DRUMMOND did not think that a day set apart by the Toronto Corporation should be obligatory on the House.¹¹

MR. BROWN quite agreed with the Attorney General, and he thought there was as little necessity for the house not sitting next Thursday. If they did not consider themselves bound to keep a day set apart by the Toronto Corporation, he did not see why they ought to keep one imposed by the Church of Rome. (Hear, hear.)¹²

The motion was then agreed to.¹³

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On motion of the Honorable Mr. Attorney General *Drummond*, seconded by the Honorable Mr. Attorney General *Macdonald*,

Resolved, That after this day measures in charge of Members of the Administration do take precedence of all other matters, on every Tuesday, Wednesday, and Friday, until the close of the present Session.

On motion of the Honorable Mr. *Merritt*, seconded by Mr. *Aikins*,

Ordered, That the Bill from the Legislative Council, intituled, "An Act to enable the Churchwardens of *St. George's Church*, in the Town of *St. Catharines*, to sell and convey four acres of Land originally purchased 'as a site for a Parsonage,' and for other purposes," be now read for the first time.

The Bill was accordingly read for the first time; and ordered to be read a second time on Monday next.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have passed a Bill, intituled, "An Act to amend an Act for supplying the City of *Quebec*, and parts adjacent thereto, with Water," to which they desire the concurrence of this House.

And then he withdrew.¹⁴

Ordered, That the Honorable Mr. Attorney General *Macdonald* have leave to bring in a Bill to alter the Survey of that part of the third Concession of *Onondaga*, commonly called *Martin's Bend*, and to confirm a new Survey thereof, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.¹⁵

On motion of the Honorable Mr. Attorney General *Macdonald*, seconded by Mr. Solicitor General *Smith*,

Ordered, That the Orders of the day be now read.

And the Order of the day for the House in Committee to consider of certain Resolutions on the subject of certain amendments to the Tariff of Customs, being read;

On motion of MR. INSP. GEN. CAYLEY¹⁶,

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The House accordingly resolved itself into the said Committee;

MR. INSP. GEN. CAYLEY then rose and said he would not at present occupy the attention of the committee at any great length. His object was merely to give a general view of the revenue, with reference to supplying the great deficiency involved in the interest of the guaranteed debentures, which would fall due on the 1st of July next. He would therefore separate this question from that of the ordinary revenue. In the course of a couple of days, he would be able to lay the estimates before the House, and therefore he should not detain the House long on the present occasion. This evening he would desire to confine himself wholly to the means of making good the amount necessary for payment of the interest on the Grand Trunk Debentures. And in doing so, he would state that it was his intention to ask a reduction of the tariff as soon as this amount was supplied. His intention was that it should not be imposed for a longer period than was absolutely necessary. It had been the subject of remark, both in that House and elsewhere, that he might depend on a large increase of revenue this year, and that from that source alone — independent of an increase in the tariff — he might be able to make good the deficiency. But he could not think such a course would be correct. He, for one, was not prepared to depend on contingencies in so grave a matter.¹⁷ At all events, so far as the actual returns for this year had gone, they did not show any very great reason for anticipating much of an increase¹⁸, although increased activity in trade had been observable. By these returns it appeared that in January, 1855, the customs' duties paid, amounted to £45,494; while for the same period in 1856, £31,617 were collected — thus showing a very considerable diminution in the revenue for that period, during the present year. In the second month of February, 1855, the duties collected amounted to £22,000 in round figures; while for the same month in the succeeding year, it reached £29,700, a large increase over the previous year. In the month of March, 1855, £46,700 of customs' duties were collected, against £46,400 in the same month of the following year. Therefore in that month, it would be seen that the sum collected had again slightly decreased. In the succeeding month of 1855, April — at least up to the 11th of that month — £21,866, while up to that date in the same month this year, it amounted to £33,160. Now this showed a very satisfactory increase: and by the total amount for the four months, it would be seen that a large increase had taken place in favor of the present year. The total amount for 1855, was £136,000, and for 1856, £140,700 — thus showing an increase of £4,700 in favor of the present year.¹⁹ They were not, therefore, in a position to base on those returns any very large calculations, although he might remark that navigation this season having been unusually late²⁰ owing to the extreme length of the winter season²¹, the returns for the current month and the next month or two, might be such as to keep up the superiority of this year over the last. But he did not think he would be justified in building a large superstructure on any such expectations.²² In reply to the remarks of the honorable member for Montreal (Mr. Holton,) with reference to the amount of his calculations respecting the increase of duties, he (Mr. Cayley) made out in round figures to be £216,000. He believed the honorable member for Montreal had made the sum of £206,000²³ [OR] £204,000²⁴, so that they did not differ so much. But while the scheme now before the House proposed a considerable increase in the revenue of last year, he would remark that it was not in fact an increase of more than £90,000 on the customs' duties of last year. It would be remembered that last year they made a reduction of £123,000, while this year the proposed increase only amounted to £16,000, making the increase in reality but £90,000. In reference to this increase, however, he would remark that in some of the most important items from which the revenue was derived, he did not go back even to the rate of duties that existed in 1849. In that year the duty on refined sugars was 18s. 11d. per cwt; whereas, it is now only proposed to make it 14s. In 1849, the duty on raw sugars amounted to 13s.; whereas, it was now but 10s. Nor did he ever propose to call them back to the rates of tariff existing in 1853, for in that year the present proposition would make it 14s. on the highest class, 10s. on the middle class, and 7s. 6d. on the last class. It was plain, therefore, that in the articles of sugar, he made no increase on the previous tariffs. Nor was it proposed to raise the duty on

teas. In 1849, it was 3d. per lb., whereas, by this proposition it would be only 2½ d. per lb. In the article of wines, he should remark that there had been a distinction made with reference to bottled wines. The charge on light wines, such as claret, and similar kinds of wines would be reduced, while it was proposed to increase it on champagne and other superior bottled wines. By this tariff it was proposed to reduce the duty on wines under £1 per dozen, to 7s 6d, and over that amount [to increase it] to 10s 6d²⁵ [OR] to increase it on all wines over £2 per dozen, to 12[s] 6d, instead of having a fixed duty of 10s. He had had an opportunity of communicating with many gentlemen connected with trade, both in this city, and from Montreal and Hamilton, who had kindly favoured him with their views on several points of much interest to the community, and to trade. The gentlemen from Montreal, Toronto and Hamilton had all dwelt upon the proposed increase of duty on silks and manufactures containing any quantity of silk. The hon. gentleman read a letter from the Hamilton Board of Trade on the subject, representing that the imposition of a high duty on silks, by furnishing temptations to and facilities for fraud, would be injurious both to the revenue and to the honest trader, and that the imposition of the same duty on articles containing any infusion whatever of silk, would be productive of much vexation and inconvenience. He admitted that there was a good deal of force in those views, and that probably the proposed system would cause more trouble and annoyance than would be compensated for by any gain to the revenue.²⁶ Having these decided opinions against the proposed increase on articles into the composition of which silk entered, and being disposed to attach a good deal of weight to them, he was quite willing that the tariff should be modified in this particular.²⁷

At this stage of the proceedings a Message from the Legislative Council was announced²⁸.

MR. INSP. GEN. CAYLEY resumed by stating his wish to make a few remarks on another subject. On a former evening several explanations were offered in that House, and during the explanation[s] he made some remarks in allusion to the origin of the appearance in the public prints of what might be called the Brassey correspondence. Since then he had a visit from Mr. Brassey and Mr. Betts, and was told by them that from reading his remarks in the papers, they conceived he had fallen into an error, and done them injustice in the manner in which he had put their statements forward. Now, he would here wish to correct that error, if he had indeed committed one.²⁹ Nothing could have been further from his intentions, than to cast any blame on those gentlemen, of whose character, when he was in England, he had heard the highest reports, and he had never for one moment had cause to believe that they had forfeited that character.³⁰ Perhaps his words did not strictly convey his meaning, on the occasion referred to, or perhaps they had not been literally reported; but, at all events, the words which had been imputed to him, were not such as he should have used.³¹ [These gentlemen] promised to send him a communication on the subject, which he would have been glad to have read to the house, but not having received that, he would read a communication addressed to him by Mr. Napier, stating the substance of the conversation on which he proceeded in making the statement he did. Mr. Napier said — "It is difficult for me to remember my exact words, but I can, of course, give you the substance, which was as follows — that some short time since (three or four months) the contractors had sold some of the shares which they received from the company in part payment of their contract — that after that sale the shares of the company declined in value — that the purchasers, some of whom were old, some new shareholders, became anxious, and discussed what steps should be taken — that they appealed to Mr. Brassey to take a part in the movement which, on examination of the circumstances of the case, they considered necessary with a view to restore the financial condition of the undertaking."³² The hon. gentleman again repeated that he never intended to cast any reflections of a painful character on these gentlemen. He then went on to say that [he] would not longer occupy the time of the committee. In the course of the debate he would in all probability be able to give any further information necessary in reference to his measure. He then moved the first clause of the resolution — That all articles now chargeable with a duty of 12½ per cent, unless specifically excepted, be charged with a duty of 15 per cent.³³

MR. HOLTON regretted occupying the time of the House with any discussion upon this proposed increase, for they must all feel that under our present system no immediate practical advantage can take place by such discussions in this House. The Inspector General frames his tariff in his own department, on his own responsibility, and without any assistance from practical men engaged in business who might be able to advise him in this respect. He submits this tariff to his colleagues, and whether they are competent to give him any assistance or not, he submits it to them for their approval, and they adopt it; and they bring it down to the House, and stand or fall upon it, as upon all other measures; they force it through under pressure of a party majority, and the result³⁴ of such a course was, that all discussion upon the subject was of no importance whatever, ... [as long as] the ministry continued to be sustained by the majority of the house.³⁵ Under these circumstances he felt considerable reluctance to enter upon a discussion of this subject. It was nevertheless the duty of Parliament when a measure like this comes down, to propose new burdens upon the community, to examine with some minuteness the proposition to be submitted, and the grounds upon which it is sought to be justified. It must be conceded that the Inspector General in coming down with such a measure was bound to show that the requirements of the public service demanded such an increase. He has not hitherto satisfied the public mind upon this point. In the discussion upon the motion of his honorable friend for Lambton the other night, this was made the chief point; and the Inspector General has offered no explanation of the financial position, or of the requirements of the country for the ensuing year. He rests his claim entirely upon the demands made upon the public chest by the Grand Trunk Railway Company, resulting from their inability to meet their semi-annual interest. If this be a good ground,³⁶ it was incumbent upon the honourable gentleman to show first, how he proposes to deal with this company; what burthens are likely to be imposed upon the country by it, and to disclose to the house his entire policy with regard to the subject, in order that it might be in a position to determine what financial measures might be necessary to meet the emergency, and he should show further, that the ordinary resources of the country are inadequate to meet this additional demand upon the public chest. A reference to the public accounts would show that the ordinary revenue of the country with the means now in hand, were quite sufficient to meet this unexpected call. The interest upon the bonds advanced to Railroad Companies by the government, might be assumed in round numbers to be £240,000. The Inspector General, by the statement in the Public Accounts states, that he has in round numbers £400,000 in hand, besides the right to issue Debentures to the extent of £900,000, to replace the advances made upon Public Works. — Now, while he (Mr. Holton) acquiesced in the idea advanced upon former occasions by that hon. gentleman,³⁷ that it is better to meet any extraordinary expenditure, by a new taxation, rather than by debentures; he thought ... [that] considering the policy of this country has always been to have the cost of all its Public Works represented by bonds and if in such a way an advance of £900,000 has been made on account of the Public Works it would be perfectly legitimate to issue a portion of this amount in bonds to meet an unexpected demand upon the country.³⁸ But he did not admit that that necessity exists, and he would contend that with the £400,000 now in the hon. gentleman's hands, and with the money that would come from increased importations which must ensue, and which it was futile to say could not be calculated upon, for the imports of 1855 were very light indeed, and the present stock of goods in the country is very light, and the great process of consumption is going forward, and we were perfectly certain that a large increase in the imports must take place. He (Mr. H.) held, that in view of the large amount at the Inspector General's disposal now,³⁹ and in view of the certain increase in the revenues of the country, arising out of increased importations — in view of the large demands of expenditure in the Public Accounts of last year, which will not take place this year — he would say that no case has been made out for increased taxation.⁴⁰ (Hear, hear.)⁴¹ The Inspector General has attempted to make out a case for increased taxation and he rests his claim entirely upon this demand for the Grand Trunk Railroad Company, a claim which he (Mr. Holton) would contend that the Inspector General had abundant means to meet without resorting to such a course as this. But what inference has the House to draw from the fact that he presses this upon the House without any statement whatever as to his policy — that inference he (Mr. Holton) would maintain was this — that Government intend to carry through

this measure, giving them command over a large amount of money, and then to come down to the House with some Grand Trunk Railroad measure, having the effect of burdening the country with a large portion of the defaulting railroads in the country.⁴² He thought that the inference was a fair one, that some such object as that was in his contemplation, for the honourable gentleman could not contend that there was any reason why this measure should be pressed forward in advance of those explanations,⁴³ for it is not intended surely to take effect before the July importations as that would be so unfair to those who have already part of their stock forward. Why then dose [sic] the Inspector General press it forward in advance of all the other Government measures; in advance, of those financial statements which he would contend he is bound to submit before bringing forward a measure of this kind. He considered that the Inspector General should have indicated to this House some idea of his intended policy with regard to that Company. It was not for him (Mr. Holton) to say what should be done with the Grand Trunk Railroad — but it was manifest that the work has to be completed by some person⁴⁴, and what he desired to call the Inspector General's attention to was this: did he or not intend to afford such aid to the existing company as will enable them to complete their scheme, or such portions of it as are essential, and thereby to relieve the Province from the serious burthen which it now has imposed upon it. Did he intend to complete those works through the instrumentality of the present company, or to foreclose the mortgage of the Province, and to assume them, and carry them out in the interest and ownership of the Province? (Hear, hear.)⁴⁵ These are explanations which he thought the Inspector General ought to have made before proceeding further, and he thought the House would agree with him (Mr. Holton) in this idea. But he would now consider the matter before them in another point of view. Admitting that it is necessary the taxation should be increased, the question arises, whether the tariff is founded upon sound principles of taxation. He would maintain that it was at variance with every sound principle of taxation entertained at the present day.⁴⁶ There was no reason of free trade or protection involved in this, for it must be admitted that all duties are in their very nature an abridgement of the freedom of trade, and that they are protective in their character so far as they relate to articles manufactured or produced in the country.⁴⁷ The question then may fairly arise whether in apportioning the burden of taxation among the various articles of import, reference may not be made to the favouring of the industrial interests of our own country. Such may be done without raising any discussion of the question of Free Trade or Protection. Such is the practice in England, where Free Trade is carried to a greater extent than in any other country⁴⁸, and [in] the United States. This was done by their admitting the raw materials into such manufactures as might be carried on advantageously in the country, either duty free, or at a nominal rate of duty. That in fact had been the policy of this country hitherto. The Inspector General proposed to double the rate of duty upon these articles, and instead therefore of placing manufactures in a more advantageous position than at present, he places them in a worse.⁴⁹ Another way sometimes resorted to is to impose higher rates of duty upon articles imported to compete with similar articles manufactured in the country. The Inspector General has admitted this principle to a certain extent in his resolutions. He recognizes the principle of "incidental protection," as it is termed. He proposes to subject the articles of leather manufactures and India rubber manufactures to a duty of 20 per cent., while all other manufactures are to be subjected to a duty of 15 per cent. This principle was either good or bad. If good, why restrict it to these two comparatively unimportant manufactures? Why not extend it to our ships, our steam engines, our hats, and all the other articles manufactured throughout the country? If it is bad — why single out these two petty manufactures on which to apply [t]his principle. He saw, however, that the Inspector General was not disposed to consider this question. He is too busy with other affairs to give a hearing to anything that may be said at present. He (Mr. Holton) would therefore sit down if it was not convenient for the Inspector General to listen to him.⁵⁰ [He would] address the Chair at another time.⁵¹

MR. BROWN wished to make one remark. The hon. Inspector General had admitted to-night that the statement he made on a former occasion with regard to the condition of the Grand Trunk Railway Company was incorrect.⁵²

MR. INSP. GEN. CAYLEY. — I did not say anything about the Grand Trunk Company.⁵³

MR. BROWN. — You said something about the contractors.⁵⁴

MR. INSP. GEN. CAYLEY. — No, I said something in reference to the Vice President's letter.⁵⁵ [He] had wished merely to correct any impression that existed, that he meant to secure those gentlemen. It was for that reason that he had read the letters he did.⁵⁶

MR. BROWN said, the Inspector General had distinctly stated in his speech, upon alluding to the condition of this Company,⁵⁷ that this present difficulty had arisen in consequence of a large sale of shares to foreign holders, at a greatly depreciated rate, and consequently they found it necessary to get assistance. He had no doubt the hon. Inspector General made a mistake inadvertently and now that he has corrected it, his statement should be at once accepted [sic] by the House. But the point to which he wished to direct the attention of the House was this, if the hon. gentleman was mistaken in this instance, how did they know but he was mistaken in all others connected with this great work. (Hear, hear.)⁵⁸ How many statements had the hon. gentleman not made, time after time, in regard to the condition of this Company? — and the house had been called upon to contribute large sums of money to it upon the faith of such statements, and had been unwise enough to grant them — and should such a system be further extended? It was at this time that, upon the same kind of unreliable statements made by the hon. gentleman, the house was to be called upon to increase the tariff 25 per cent.,⁵⁹ [and] he would put it to the House whether they should consent to this increase without knowing whether this money be actually wanted or not. (Hear, hear.) Whether they should not consider the whole question of the position of this Company before proceeding to increase the tariff to meet their liabilities. He did hope that some further explanation would be made before they proceeded with this increase.⁶⁰

MR. YOUNG quite agreed with his hon. friend from Montreal, that there was little use in wasting the time of the committee by attempting to make any alteration in this tariff. He did not think any suggestion that might be made, would lead to any alteration. But there was one remark of the Inspector General to which he wished to allude. He said if during the season the increase of importation should be so great that a reduction of the tariff could be made — it might be done by an order of the Governor in Council. To this he would simply say⁶¹ [that] if there was anything more puzzling than another to a merchant, it was the placing in doubt what the Tariff of the ensuing year would be. (Hear, hear.)⁶² He would implore them then to decide whatever the tariff is to be, and let that be the tariff for the year, and let merchants understand there will be no change.⁶³

MR. GAMBLE, before the resolution was put, would like to observe in regard to the resolution now under discussion, and to the succeeding resolutions, which imposed a duty of 20 per cent. upon silk manufactures, and manufactures of which silk formed a part, that a small portion of that article entered very largely into many fabrics — ⁶⁴

MR. INSP. GEN. CAYLEY said, the words "silk and silk manufactures" had been struck out.⁶⁵

MR. DEWITT moved ... an amendment to exempt certain articles, hats and caps among the rest, from duty.⁶⁶

After some observations the motion was withdrawn.⁶⁷

MR. HOLTON observed that the resolution in amendment, could not be proposed now, but would when the proper time come.⁶⁸

MR. MACKENZIE would like to know the reason of the present extravagant system pursued in the printing of public documents. He contended that they were needlessly made expensive and could

be got up much cheaper than they now are. He also condemned the expense which was incurred from keeping a great staff of persons employed around the Parliament Buildings, and contended that they could be dispensed with. He stated that men whose characters were long ruined were placed as inspectors and collectors on the canals and other public works of the country. The public expenditure at present was disgraceful to the country,⁶⁹ no economy was pursued by the government in anything, and there was no necessity for one penny of this additional taxation to be placed upon the people. The Inspector General ought to blush with shame to propose it, without informing the house what was to appear in the estimates. He had no doubt but that a great many items would appear in them which did not last year, and in the face of gross mismanagement of his department (which he (Mr. M.) was prepared to prove before a committee) the hon. Inspector General was now asking his (Mr. M.'s) constituents to pay increased taxation for his mismanagement.⁷⁰ He contended that a very large sum could be saved in the working of our canals, if they were properly managed. If he could, he would let the matter now drop by moving that the chairman should leave the chair, but he knew that he would not be sustained.⁷¹

The first resolution was then put and carried.⁷²

MR. INSP. GEN. CAYLEY then moved the adoption of the second clause, striking out the words "silk, and manufactures of silk in whole or in part"⁷³, and *cordege* [sic].⁷⁴

MR. HOLTON would like the hon. gentleman to give some explanation of why he favoured the particular manufactures specified, and none other?⁷⁵

MR. YOUNG would like to know, why cordage should be excluded any more than india rubber articles?⁷⁶

MR. INSP. GEN. CAYLEY had heard the honourable member for Montreal (Mr. Holton) on a previous occasion speak about the shipping interest. Now, in this tariff attention was paid to that interest. The duty charged upon sails, cordage, dead eyes and things entering into the fitting up of ships was reduced. In answer also to the honourable gentleman's allusion — to his (Mr. Cayley's) having made up his statement only with the aid of his clerks, he begged to state⁷⁷ that he had conferred with a great many merchants of the highest standing on his proposed change, and he found that they all advocated their own interests, and wished their branch of manufacture to be exempted from all duty.⁷⁸

MR. MERRITT would suggest to the honourable gentleman, the adoption of the principle of protecting the manufactures of this country, and to put the manufacturer of Canada upon the same footing as he was upon in the United States.⁷⁹ The only way to get over this difficulty was to tax all things alike. In Congress a law was pas[s]ed exempting all raw material from duty, and the same law should be made here. But cordage was not raw material.⁸⁰ Let them import hemp free of duty, and manufacture their own cordage.⁸¹ The same thing applied to powder, which could be made as cheap in Canada as in the States.⁸²

MR. YOUNG said that the Inspector General had no defined principle in his measure. It was a most extraordinary thing, that a duty of 130 per cent should be placed on gin, and only 30 per cent put on brandy. He could not understand why there was 40 per cent on mustard, and 100 per cent on starch; and why it was that brooms should be raised from 12½ per cent to 50; and a great many other articles increased or reduced in the same way.⁸³ He would like him to explain, why it was he put a higher rate of duty upon some articles than upon others. It was plain that he had shown no judgment in his selection and his conclusions were not based upon facts.⁸⁴ Then again, there was no wine imported into this country that ought to be entered at 10 per cent; and in fact there is in this case a duty, and the House is asked to increase it on articles which does [sic] not exist in this country. It was utterly impossible

under the present tariff to get French wines, and although he (Mr. Young) was in favor of prohibition, yet he would like to see all kinds of wine imported into the country free of duty, as he would wish to change the taste of the people from ardent spirits to that which was a good deal better.⁸⁵

MR. BOWES said, as owing to the failure of the Grand Trunk Railway Company to meet its engagements, [and as] the Province would be called on to pay a large unexpected sum, it became necessary to raise the tariff. He could not but be surprised at some of the arguments of the hon. member for Montreal. Only last year the House had declared, by an overwhelming majority, the propriety of entirely abolishing the traffic in intoxicating liquors. And yet, now, when it was attempted to put a heavy duty on spirits and wine, which would partly bring about [sic] that object, an objection was made. He was in favor of putting on a very high duty on spirits and wine, and would be glad to see the Inspector General increase even the rate now proposed. In the arrangement of the tariff the Inspector General had consulted the interests of the largest classes in the community. On dry goods, upon which nearly one-third of the revenue was raised, the tariff was increase[d] but 2½ per cent. By this means the interests of the people were consulted. He was opposed to any increase in the tariff if it could be avoided. But engagements with the public creditors must be kept up. The credit of the country must be maintained, and the Inspector General dare not say that to meet a positive engagement he had depended upon a probable contingency. Not one of the gentlemen who now opposed him could do otherwise than what he proposed doing, if they were placed in his position. The member for Haldimand, who of all other men, was the most ready to find fault, did not pretend to suggest a remedy for the difficulties in which the Province was placed. That gentleman had talked about the printing of the House, but he (Mr. Bowes) believed that no man was the cause of more printing than the member for Haldimand himself. He had made a calculation as to the probable amount to be raised under the proposed change; but as members had avoided a reference to figures, he would not then delay the House. He would support the tariff, and would be glad to see a duty of 5 per cent upon type. There was a very fine type foundry in the Province, and it should be encouraged. The United States charged a duty of 20 per cent upon type going into that country, and it was but right that Canadian manufacture should be encouraged.⁸⁶

MR. DUFRESNE was not a financier, and did not claim for his opinion the same right as was justly due to those of gentlemen actively engaged in mercantile concerns. He believed the tariff now proposed was based on justice and equity⁸⁷. There were perhaps a few articles in it in which some alteration might be made⁸⁸, but generally, he approved of it. He believed the tariff should be so framed as to relieve the poorer classes of any serious burdens, and place them upon the wealthy, who were able to bear them. It had been complained that the duty on wine was too high. He (Mr. Dufresne) would make it even higher, as high as could be made without offering too great encouragement to smugglers. There should at least be 100 per cent duty on all wines and spirits.⁸⁹ He would propose that upon champagne and high priced wines a heavy duty should be placed, as they were consumed by the rich, but those articles which were used by the poor should be admitted with a very small, if no duty at all.⁹⁰ The rich alone should bear the burdens of the state.⁹¹ The poorer class of people had sufficient burthens upon them without having increased taxation. Molasses should be admitted free, being an article of great consumption with the latter class.⁹²

MR. BROWN inquired of the Inspector General why he had not adopted some principle in applying the duties to manufactured articles. If a protective policy, in reference to the manufactures was to be adopted, it should be based upon some definite principle.⁹³

MR. INSP. GEN. CAYLEY moved the adoption of the second paragraph.⁹⁴

[It] was carried on a division.⁹⁵

On the 3rd paragraph,⁹⁶

MR. BROWN objected to the principle on which the duty on printing paper was raised from 2½ per cent. to 5 per cent., while books were admitted from the States free. He looked upon this as an encouragement of printers in the United States to the injury of printers in this Province. He moved that the articles, book and newsprinting paper be struck out.⁹⁷

MR. POST. GEN. SPENCE defended the resolution as it stood.⁹⁸ [He] said the duty had been reduced last year because the supply within the province was insufficient.⁹⁹

It being six o'clock, MR. SICOTTE the SPEAKER left the chair.¹⁰⁰

[After the recess,] the House went again into Committee on the honorable Inspector General's resolution¹⁰¹.

MR. MACKENZIE supported the amendment. He said the object of taxing printing paper, and admitting printed books free, was to annex us to the United States, and he was opposed to that. The Family Compact men in this were displaying the cloven foot of annexation. They professed a great deal of lip-loyalty, but their legislation was all the other way.¹⁰²

MR. CONGER opposed the amendment, and would like the duty raised still higher, in order to encourage the home manufacturer. He would like a duty placed on books as well as on paper.¹⁰³

The amendment was lost on a division.¹⁰⁴

The third paragraph was then adopted.¹⁰⁵

[On the 4th paragraph,]

MR. CHAPPAIS moved 5s a gallon on brandy instead of 4s.¹⁰⁶

MR. MACKENZIE, if in order, would move the Maine Law in amendment, so as to keep the thing away altogether.¹⁰⁷

MR. AT. GEN. J.A. MACDONALD said that no increase could be made without the consent of the Crown. Any hon. member might move a reduction, but not an increase.¹⁰⁸

MR. MACKENZIE would like to know what the Crown knew about Whiskey or Brandy.¹⁰⁹

Mr. Chapais' amendment was then withdrawn¹¹⁰.

MR. MACKENZIE opposed the 2½d duty a gallon on Molasses. He thought it mean in the Inspector General of this great country to seek a revenue out of the schoolboy's candy stick. (Laughter.)¹¹¹

In reference to the increase on the duty on dried fruits,¹¹²

MR. HOLTON remarked that this was a brilliant stroke of financial genius on the part of the Inspector General. The honourable gentleman ought to state the enormous amount it would yield to the revenue. (Laughter.)¹¹³

MR. INSP. GEN. CAYLEY stated that there was a misprint in the case of that article. The duty he proposed to be 1¼d and not 1¾d per lb.¹¹⁴

On the question of the increase of the duty on sugar,¹¹⁵

MR. MACKENZIE made a vigorous attack on the wastefulness and profligacy of the Government. When they came into office, they had an overflowing Exchequer, and they had received a larger revenue than ever flowed into the coffers of any Canadian Government [sic]. But they had spent all that, and to enable them to carry on the same wasteful system, they were now proposing to plunder the poor man of his last dollar. The Inspector General would signalize his approaching departure from office, by having left a people groaning under the burden of taxation, whom he had found prosperous and with a full public chest.¹¹⁶

MR. HARTMAN asked the Inspector General when the tariff was to be brought into force?¹¹⁷

MR. INSP. GEN. CAYLEY said he would bring in the bill in a few days, and would then inform the House.¹¹⁸

The fourth paragraph was adopted..., [and] the Committee rose¹¹⁹.

(380) | and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Terrill* reported, That the Committee had come to several Resolutions.

[On motion of] MR. INSP. GEN. CAYLEY¹²⁰,

(380) | *Ordered*, That the Report be received on Tuesday next.

(381) | The Order of the day for the second reading of the Bill to amend the Act 18 *Vic.* cap. 2, being read;

MR. AT. GEN. J.A. MACDONALD moved the second reading of the Bill.... He said he had already explained that the object of the bill was to hand over the surplus of the Clergy Reserves into the hands of the Township Municipalities, to be divided equally in proportion to the number of the rate payers. The bill also provided for the special census in any municipality for the purposes of making a fair apportionment.¹²¹

MR. HARTMAN repeated the objections he had urged on a former occasion, to the proceeds of the Fund being frittered away among the townships, instead of being divided among the county councils¹²². He found that his views were generally endorsed. He was desirous that the money should be appropriated for educational purposes, and this could not be so well done if it was left in the hands of the ... [Township] Council.¹²³

MR. CHISHOLM supported the principle of the bill. It was he said only carrying out an amendment which he moved to the bill last session.¹²⁴ [He] believed the Fund would be more likely to be given to educational purposes, by being divided among the townships, than among the councils.¹²⁵

MR. HARTMAN considered that if this money was left in the hands of the County Councils they might be enabled to establish a Grammar School in nearly every township. The Common Schools were already well supported, but there was a necessity for schools of an intermediate class.¹²⁶

MR. CHISHOLM considered the Common Schools were more the people's Schools than the Grammar Schools, and this money being the people's money, it was right that it should be left in the hands of the Township Councils.¹²⁷

MR. GAMBLE said the very object they had in view was to make these Grammar Schools the Schools of the people. He exceedingly regretted that this money should be placed in the hands of the

Township Council to be frittered away. By leaving this money in the hands of the County Councils, they would be enabled to establish a Grammar School in every Township.¹²⁸

MR. ROBINSON said there was nothing in this bill to say this money should be appropriated to Common Schools. It was quite competent for them to devote it to any purpose. If the bill proved that the money shall be appropriated to purposes of Education, he would not object, but he was more favorable to its being left in the hands of the County Council.¹²⁹

MR. SOL. GEN. H. SMITH said if the money were given to county councils, injustice would be done to back townships, as it would be impossible¹³⁰ to establish Grammar Schools in all the Townships of this country. They could not afford to pay the salaries of Masters of these Schools; nor could they find pupils to send to them. He hoped the money would be left to the Municipal Councils, that they might apply it to build Schools to pay their debts, or to any purpose they thought necessary. He was satisfied the bill would be satisfactory to the country.¹³¹

MR. GOULD regretted that the Government did not think it advisable to fund the whole of the money, and allow the proceeds to be applied to the support of Grammar Schools¹³², instead of distributing it as proposed.¹³³

MR. MERRITT said this discussion was a striking evidence of the difficulty they had in legislating intelligently, when they had not the necessary information before them. They had no information at all of the appropriation for common schools. He had already satisfied himself from the public accounts that the whole of their school lands were wanted, and the revenue that had been realized by their sale had all been absorbed.¹³⁴ His object in desiring these returns had been to show the absolute necessity of having the proceeds of the Clergy Reserves funded for the benefit of the rising generation¹³⁵, and in order that this fund might be appropriated for this purpose he would move when the bill was before the House to the effect that this fund be inviolably appropriated to purposes of education. If this were done the result to the country would be greater than they possibly could anticipate.¹³⁶ If the house would express an opinion of that, the Government could not oppose it, as they could have no interest in letting the small municipalities throw it away wastefully.¹³⁷ If the government did not now take advantage of this opportunity ... [the] time will never come again, and all the lands of the country would be wasted. He was certain if the country was polled to-morrow, four-fifths of the people would vote for this appropriation.¹³⁸

MR. ROBLIN was in favour of handing over the proceeds to the municipalities, to let the people do with them what they pleased.¹³⁹ [He] could not see the force of the objection to the bill, for it was quite evident, that if the money was given to the Township Councils,¹⁴⁰ [there] was nothing to prevent its being appropriated to education¹⁴¹. The bill had the full approbation of the Council of his County.¹⁴²

MR. FOLEY said it was all very well for honourable gentleman [sic] living near Toronto to desire to have the Fund appropriated to establishing more grammar schools. There were greater wants than grammar school education in the back townships, and he was in favour of handing the proceeds over to the townships, to be applied to whatever purposes they considered most useful. He believed three-fourths of the people would be in favour of the measure.¹⁴³

MR. MACKENZIE said that by the measure before the house it appeared that £44,000 were in the hands of the Government — being the sum¹⁴⁴ reserved for uncommuted stipends, widows' annuities, &c. He had understood that when commutation was effected, all the clerical claims were at an end.¹⁴⁵ Now, he would like to see a statement of who those parties were, who had not been commuted with. It was proposed to give the municipalities the balance of the Clergy Reserve Fund. Now, he thought they ought, at all events, to know what they were giving. He would also like to see that this money were

properly disbursed — not lavished on municipalities already too deeply in debt.¹⁴⁶ He thought the municipalities who borrowed under the Municipal Loan Fund should be obliged to give security for paying their interest before getting any of this fund.¹⁴⁷

MR. AT. GEN. J.A. MACDONALD said that all the unappropriated funds would be appropriated under this Act by the Receiver General.¹⁴⁸ In the bill of last year there was a special clause providing that the Receiver General had power to keep back, out of the fund to be given to municipalities, the amount which they were indebted to the government.¹⁴⁹ He did not believe any of the [clergymen's] widows charged on the Clergy Reserve Fund had commuted. But he could not give the particulars, in the absence of the Inspector General.¹⁵⁰

MR. MACKENZIE had not known before that the widows could commute.¹⁵¹

MR. SCATCHERD accepted the improvements which had been made in the bill, with pleasure. He regretted that there was not another improvement made. It ought not to be divided equally among the municipalities; for by that means a gross injustice was done to the moral [sic] districts — numbers of the inhabitants of which had been improving those lands long before the municipality sprang into existence.¹⁵²

The Bill was then read a second time.¹⁵³

(381) | The Bill was accordingly read a second time; and committed to a Committee of the whole House.

MR. AT. GEN. J.A. MACDONALD moved, that the House resolve itself into committee of the whole on the Bill.¹⁵⁴

MR. HARTMAN rose to explain that he did not wish to introduce any clause into the Bill, confining the benefits to be derived from this fund to Grammar schools. He was willing that it should be left in the hands of the County Councils¹⁵⁵ so that each county might apply it to whatever class of education they pleased.¹⁵⁶

MR. BROWN said there was one thing which had not been provided for by this bill, and that was that no means had been provided by which the disbursement of this fund by the Municipalities, should be regulated.¹⁵⁷ He thought some provision [to that effect] should be introduced into the Bill.... If left entirely to the councillors, those large sums of money going into the hands of the municipalities might be spent very improvidently. He did not see why an appeal should not be made to the people as to how it should be appropriated. Great discontent would be excited over the country if three or four or five persons elected, without any view to the disposal of these large sums of money, were in a position to expend them, perhaps in a manner contrary to the views of their constituents.¹⁵⁸

The house then went into committee on the Bill.¹⁵⁹

(381) | *Resolved*, That this House will immediately resolve itself into the said Committee.
The House accordingly resolved itself into the said Committee;

Several of the clauses having been adopted,¹⁶⁰

MR. BROWN moved an additional clause to carry out the view he had just stated.¹⁶¹

MR. POST. GEN. SPENCE said the Councils had already power to tax the people to any amount, to build school-houses or [for] other purposes.¹⁶² The municipalities could as easily distribute those

funds as any others that they were entitled to raise by the existing law. He was not disposed, like the member for Lambton, to distrust the people.¹⁶³

MR. BROWN said it was not he, but the Postmaster General who distrusted the people. He wished the people to be consulted. The Postmaster General wanted the money to be disposed of without reference to the people, by a few councillors elected last January for other purposes.¹⁶⁴ The money would be applied for jobs if left to Councillors.¹⁶⁵

MR. POST. GEN. SPENCE thought it a sufficient check that the Councillors were responsible to the people. He trusted that the people would make a wise selection of their Councillors.¹⁶⁶

MR. BROWN. — Provide, then, that the funds shall not be disposed of till after the next election, that the people may have a full knowledge of the duties that will devolve on those they may elect.¹⁶⁷

MR. SCATCHERD agreed with Mr. Brown that it was necessary for the protection of the people, either that there should be a direct appeal to them, or that the funds should not be appropriated till after next year's election.¹⁶⁸

MR. AT. GEN. J.A. MACDONALD said the returns could not be sent in until after the 1st of July; it would be some time before the money could be divided; then the by-laws had to be passed, and plenty of time would be given to the people to bestir themselves. The money could only be applied for purposes authorized by the Municipal Law.¹⁶⁹ The people could just as well trust their Municipal councillors with the disposal of this money as they did their representatives in Parliament with the public expenditure.¹⁷⁰

MR. SCATCHERD had waited for thirty years for this fund and could wait 6 months longer.¹⁷¹

MR. FOLEY said the practical effect of the member for Lambton's suggestion would be to cause all the money to be spent in those parts of the Township where the population are most numerous.¹⁷² [He] would rather trust the Councils than the people of the townships, fearing that the popular vote would be less impartial.¹⁷³

MR. ROBLIN agreed with the last speaker.¹⁷⁴

MR. DORION asked what was to be done with the Clergy Reserve Fund for Lower Canada?¹⁷⁵

MR. AT. GEN. DRUMMOND said it was intended to appropriate it for court houses, so as to relieve the consolidated fund to the same amount.¹⁷⁶

The amendment was lost, and the committee rose¹⁷⁷.

(381) | and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Chisholm* reported, That the Committee had gone through the Bill, and made an amendment thereunto.
| *Ordered*, That the Report be received on Tuesday next.

[On motion of] MR. SOL. GEN. H. SMITH¹⁷⁸,

(381) | The House, according to Order, resolved itself into a Committee on the Bill to amend the Act to provide for the formation of Incorporated Joint Stock Companies for manufacturing, mining, mechanical, or chemical purposes;

MR. DORION objected to the power to raise their capital stock, given to Companies under this Act, having a retrospective effect.¹⁷⁹

MR. SOL. GEN. H. SMITH contended that the object of the bill would be defeated by this power being taken from it.¹⁸⁰

MR. AT. GEN. J.A. MACDONALD took the same view.¹⁸¹

The Bill was passed with amendments with scarcely any discussion.¹⁸²

(381)

and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Mackenzie* reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. *Mackenzie* reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time on Monday next.

The Order of the day for the second reading of the Bill to provide a uniform mode of incorporating Societies formed for Religious, Charitable, and Educational purposes, being read;

MR. AT. GEN. DRUMMOND ... in rising to move the second reading of this bill, ... stated that he meant to confine himself to a few observations. The necessity which existed for a general measure, under the provisions of which Religious, Charitable, Benevolent and Educational Associations should be organized, under certain broad and general principles, and available to all, had been felt throughout the country, but more especially within the walls of that Legislature. Whenever a special act of incorporation, for any charitable institution, was brought up before that House, it afforded an opportunity for those parties disposed to excite the worst prejudices in every matter. Now, he would say that if those ends which should call forth our most benevolent and charitable feelings could give rise to an angry discussion, then the sooner that species of discussion should disappear entirely from the precincts of that House, the better. It appeared to him that the question of propriety of incorporating these institutions did not admit of a doubt. They did not object to the ... incorporation of the various other bodies now organized and he could not conceive, how any objection could be offered to a measure like the present.¹⁸³ The object of all Acts of incorporation must be to allow several individuals to do that which any one individual might do, and he was unable to imagine why a number of individuals, connecting their small means together for the purpose of attaining a great end, should be prevented from doing what one individual with a large capital could do. And he could not see, if men were allowed to incorporate themselves for increasing their wealth in this world, why the men who looked beyond the world and thought of others more than themselves, should be refused the enjoyment of those rights which were not denied to Railroad Companies, Loan Interest Companies, and other companies organized for the purpose of enabling men to pursue their own interest to a certain extent in opposition to the interests of the community at large. He knew there were prejudices in the way of organizing companies for religious purposes. These arose out of a state of things which existed in former times, in the middle ages, when mortmain existed to too great an extent. But he thought that those, whose apprehensions were excited by a consideration of the evils arising out of a system which existed in former times on the old continent, forgot the great distinction which obtained between the mortmains of Europe and the mortmains of this continent. Strictly speaking there were no mortmains on this continent. The great objection to mortmains in Europe was that corporate bodies could purchase land and acquire it by gift and in various other ways, but they could not sell, and property thus gradually accumulated in their hands, and they became great proprietors, and were able to control a large number of tenants. There was nothing of that kind in this country where our Acts of Incorporation gave the right to dispose of property as well as the right to acquire it. He was desirous of confining all those corporations to the holding merely of such lands as were required for the purposes of their organization. Some years ago it might have been a difficult thing to invest property in an advantageous manner otherwise than in real estate. But at the present moment such was not the case, and the Government of the country and the public had an interest in inducing corporations to invest in public securities. This measure went further than any other that

had yet been proposed in this house. He had the honour of introducing a Bill somewhat similar to this in 1852, while the house was sitting in Quebec. That measure was carried through a second reading, and would have been carried through, had it not been that the house was so occupied with railway legislation that bills of every other kind were shut out. In that measure it was proposed that corporations should be allowed to hold a certain amount of property, which should not exceed a certain limit. And in this measure he proposed that these corporations should hold in the shape of real property only such an extent of land as might be necessary for the purposes of their organization, and if they acquired any other means they must be invested otherwise, as in public securities. The measure he introduced in 1852 resembled in a very great extent a measure which was carried through the Legislature of the State of Vermont some ten or twelve years ago, and had continued in operation ever since. But his measure went further. It was as broad a measure as could well be conceived¹⁸⁴. Its first provision related to the construction, support and maintenance of Churches, and their houses of Public Worship, manses, glebes, and other appurtenances of such place of Worship. The second provided for the purchase of suitable grounds and other conveniences for burying the dead. The third clause had reference to providing for hospitals, alms-houses, and similar institutions. The fourth provided not only for colleges, academies and schools, but for scientific, artistic, agriculture and industrial Institutions. The result of this proposed incorporation¹⁸⁵ would be that the country would be relieved of the enormous expense attending the discussion of the special measures brought up every session, the orders of the day being at present covered with them. It would also relieve the parties desiring to incorporate themselves of the expense of carrying their bills through Parliament, and above all it would get quit of the angry discussions¹⁸⁶ and party predilections, which too frequently disgraced that House. In conclusion, he trusted that no honourable gentleman in that House, would be found to oppose a measure having such laudable objects in view.¹⁸⁷

MR. BROWN. — The Attorney-General East has properly described this Bill as a very broad measure. It is so broad, that I am sure when the house comes to the consideration of it, they will consider it altogether too broad, and will dismiss it from the Chamber, as we did on a previous occasion. The Attorney-General has told us it was brought to a second reading in the session of 1852-53, and would have been carried that session, but for the fact that that was the Railway session, and it was impossible to get at it. Now, the honourable gentleman knows perfectly well that he could not have carried his Bill that session; and you, Mr. Speaker, will recollect very well that you joined with a great many other members in opposing that Bill, and that the honourable gentleman's colleagues, who now sit beside him — the Attorney General West, the Solicitor General West, and the Commissioner of Crown Lands — held this Bill to be so vicious, that they could not vote for its second reading. We came within two or three votes of throwing it out on the second reading, and the Government only saved themselves from defeat by giving private pledges that it would be altered in Committee of the Whole. I have been comparing the measures before us, with the Bill introduced at that time; its first reading was on Tuesday, the ... [21st] September 1852 — its second reading in March, 1853; and I find in the new Bill all the objectionable clauses which we had in the old one, and which you, Mr. Speaker, then voted against. (Hear, hear.) The Attorney General has told us that the object of this Bill is to get quit of those constant discussions which we have in this house on ecclesiastical and other corporation Bills, that are continually brought before us; and I fully believe that that is the real object of the Bill — to get quit of those discussions. But observe what is the effect of it. In order to get quit of one great evil, the hon. gentleman would plunge us into a much worse one¹⁸⁸ — that of endowing these religious and charitable institutions.¹⁸⁹ (Hear, hear.)¹⁹⁰

MR. AT. GEN. DRUMMOND explained that it was not proposed to endow these institutions.¹⁹¹

[MR. BROWN continued:] Our great objection to these Bills has been, that we have been constantly asked to promote and foster sectarian legislation of every description. One day it is a Bill for the

incorporation of a church — next day, for the incorporation of a sectarian college — another day, for a nunnery — and once and again, it is for some institution in Upper Canada of a sectarian character. Those Bills have been continually coming before us, and we have contended that the spirit of them is bad — that this sectarian legislation is not suitable for the genius of our people. (Hear, hear.) And, beyond this, we have complained that the effect of a large proportion of those Bills has been to build up a dominant hierarchy in this country. (Hear, hear.) We have shown that in consequence of these Bills Clerical Corporators have been getting into their hands enormous power and great wealth; and that they have thus been obtaining an influence in the country most destructive to its best interests. (Hear, hear.) And we have contended against them on a third ground which I hold to be perfectly irresistible — that these corporations have been allowed to hold large tracts of real estate in *mortmain*, not only for use and occupation, but for endowment. That they lease this land to tenants and keep back the progress of the country. (Hear, hear.) In reference to this point the honourable gentleman has changed the phraseology of his Bill a little, but in point of fact he has left the substance of the complaint just as it was before.¹⁹²

MR. AT. GEN. J.A. MACDONALD. — No! no!¹⁹³

MR. BROWN. — The former Bill provided that no Corporation should hold beyond a certain amount of real property, and that its whole revenues should be exclusively devoted to the purposes for which the Corporation had received a charter. Now this Bill provides that the Corporation “may from time to time and at all times, have, hold, acquire, and possess in any legal manner whatsoever, for them and their successors, and for the purposes for which they were so incorporated, any goods [or] property, real or personal, and may alienate the same, if need shall be, and may sue, and be sued, implead and be impleaded unto in all Courts and places whatsoever,” &c. And then, “no Corporation organized under this Act shall hold or possess any real property not required for the purposes for which it was so organized.” Of course not. But under this clause, if a Corporation wished to hold property for the support of a minister, and concluded that £10,000 of real estate would be necessary, would they not be entitled to hold that? (No! no!) If that is not the intention of the Government, I apprehend there can be no difficulty in their saying that no real estate shall be held by those Corporations except for use and occupation.¹⁹⁴

MR. PROV. SEC. CARTIER. — That is not sufficient.¹⁹⁵

MR. BROWN. — Then you wish to allow them to hold real estate for endowment?¹⁹⁶

MR. POST. GEN. SPENCE. — No! No!¹⁹⁷

MR. BROWN. — Is there any clause then to exclude that?¹⁹⁸

MR. AT. GEN. J.A. MACDONALD. — The hon. gentleman sees the words, and can interpret them for himself.¹⁹⁹

MR. BROWN. — We ought to have this point perfectly understood. The Private Bills Committee have been for some time in the habit of inserting a clause into these Corporation Bills, that real estate shall only be held for use and occupation, and not for purposes of endowment. Do the government desire to express that?²⁰⁰

MR. AT. GEN. J.A. MACDONALD. — The government desire that exactly; and no corporation under this Act can hold any real estate, any land or buildings, for the purposes of income, or any other purpose *except that for which it has been organized*. If it is a corporation for a church, they can hold the building and the land on which it [is] situated. If for a botanical garden, they can hold the ground for their garden, and so forth.²⁰¹

MR. BROWN. — In the case of a church, would they be entitled to hold land for the endowment of that church?²⁰²

MR. AT. GEN. J.A. MACDONALD. — Decidedly not.²⁰³

MR. BROWN. — That is exceedingly satisfactory, and I am glad the government have come to that conclusion; but I apprehend that is not the force of the language actually employed in the Bill. But I presume if it is found that the language employed does not bring out what is intended with sufficient clearness it can be altered.²⁰⁴

MR. AT. GEN. J.A. MACDONALD. — Certainly, if it be found, *but it cannot be so found*. The language has been anxiously scanned by the Attorney General East and the other members of the Council, for the purpose of introducing a Bill that would avoid all the difficulties that have hitherto arisen, and I would not like to agree to any alteration in the Bill, because the Attorney General East is primarily responsible for it. But I can state decidedly that the object of the government is to get rid of any idea of its being possible to accumulate funds or property, for the purpose of drawing from it any income whatever. This Act will have the effect of doing away with anything of the kind, and if any corporation wants that power, it must come and obtain a special Act for the purpose.²⁰⁵

MR. BROWN. — How can that interpretation govern the words — “for the establishment or purchase, *support* and management of any seminary, college, &c?”²⁰⁶

MR. A. DORION. — The word “*support*” covers the whole thing — endowment as well as occupation.²⁰⁷

MR. BROWN. — It may be that under this Bill land cannot be held [f]or the endowment of churches, parsonages, &c. But it is clear that it permits alms-houses, hospitals, nunneries, monkeries, benevolent societies, &c, to hold real estate for endowment to any amount that may be considered necessary for carrying out the purposes of organization.²⁰⁸

MR. AT. GEN. J.A. MACDONALD. — No! No!²⁰⁹

MR. BROWN. — Then what is the meaning of the language — “No corporation organized under this Act shall hold or possess any real property not required for the purposes for which it was so organized; and all the property which shall belong to any such corporation, *as well as all the revenues arising therefrom*, shall at all times be exclusively applied and appropriated to the purposes described in the declaration,” &c? The thing is as clear as it possibly can be; and therefore I say that under this Bill the real estate clause is even worse than it was in the other Bill; it assigned a *maximum* limit, but here there is no limit whatever. But apart from all this the general principle of the Bill is exceedingly objectionable. It provides, without any restriction, that any five persons can get an Act of Incorporation for any purpose whatever, within the scope of the limitless words I have quoted. We cannot tell what the purpose may be, whether moral or immoral, whether for the public benefit or the public injury — any five persons may go and get incorporated, by filing a simple declaration of their desire in the Registry office. Instead of coming to Parliament, and allowing us to weigh the character of the institution and to discuss it, it is to be created in secret, and without question, by simply going before the Registrar of any county, and filing a declaration. On this being done — without any check, without even the formality of an application to the Government, the Provincial Secretary is to become the instrument of completing the transaction. The Act says, he “shall prepare and sign a notice in the French and English languages, that such association has been formed, and shall cause the same to be inserted in the *Canada Gazette*, published by authority; and from and after the day of the date of the first publication of any such notice, the persons therein mentioned, and their successors, shall be a corporation or body politic and corporate

by the name stated in such notice, and shall have a common seal," &c. The country is even to be at the expense of advertising. It is, sir, most astonishing to me how the Government at this time of day could bring in such a measure as this. (Hear, hear.) How easy is it for five persons to come together and get an Act of Incorporation, which will carry with it limited responsibility. They can thus incur debts without giving any security for the payment of them, and the result of the present Bill will be, that there will be a large number of such institutions as these scattered over the country. I think that the principle of this measure in another respect is very hurtful. I do not mean to say that these institutions enumerated here are all religious, although a great many of them may be; but, you will have Roman Catholic Hospitals, Church of England Asylums, and all kinds of bodies incorporated by this bill. Now if we are ever to progress in Canada, riven up as we are, by so many dissensions, we should earnestly endeavour to find common ground upon which we can meet; and certainly the people ought not to be encouraged to foster petty sectarian institutions, but we should try to promote large institutions upon a national basis in which all can meet. It would do more credit to the Government if, instead of encouraging these schemes, some general system were brought forward upon which the whole community could agree. And what protection have we that five persons might not coalesce together and apply for incorporation, obtain subscriptions and waste the funds — there being no check over the property? That is another objection to the Bill. I think that the honourable gentleman should have taken care, as is done in the States, that checks were provided over every proceeding of the managers of those Institutions.²¹⁰

MR. AT. GEN. DRUMMOND. — What States?²¹¹

MR. BROWN. — The hon. gentleman knows very well without putting such a question. He would refer them to the State of New York.²¹²

MR. AT. GEN. J.A. MACDONALD. — This bill is just copied from the State of New York.²¹³

MR. BROWN. — The hon. gentleman is quite mistaken.²¹⁴ He cannot say that this Bill is copied from the system introduced into the State of New York, for he will find, that what is covered in this Bill is there provided for by three separate Bills. With regard to Churches, Education, and Cemeteries, I think they have separate Bills, and the manner in which the property is to be managed is clearly laid down. No such Bill as that now before the house could ever pass the Legislature of the State of New York. How is it possible that you can unite under one Bill the management of churches and all matters connected with religion, and all kinds of charitable and educational institutions? Unless a great change is made in the measure you will have those same institutions which have been so much encouraged in Lower Canada, so injuriously to the interests of Lower Canada in my belief, spreading over Upper Canada by the influence of this Bill. Its very object is to have those sectarian institutions which are all under the control of the Roman hierarchy, spread over Upper Canada as they have been in Lower Canada.²¹⁵ In one session they had no fewer than from thirty to forty of these Corporation Bills.²¹⁶ It might be possible to draw two or three general Acts including all these societies, but they should be very different from this; and when the hon. gentleman states that this Bill has been brought in to get rid of those separate Acts of Legislation, I answer that to rid us of one evil, he gives us a worse. He offers us a Bill to do that by wholesale which we were struggling against previously by retail. And look at the expense and trouble caused by such applications. — But the greatest objection is the encouragement of those sectarian institutions. The house, I trust, will never consent to give a general permission to people to spread these institutions all over the country without imposing any restrictions. The Bill must be a restrictive Bill. For that purpose I must vote against it as I did in 1852, and now move that it be not now read a second time, but that it be read a second time this day six months.²¹⁷

MR. S. SMITH was glad that he had not missed the opportunity of voting for this bill; which he did for two reasons. First, that he did not take the same view as the hon. member for Lambton; and

secondly, there was no harm in the bill. He did not see that there could be any objection to incorporating any number of persons, but he did object to incorporating lands for their support. He denied that the bill sustained such a measure but he stated that there was a certain class in the House that made it a point to oppose everything.²¹⁸ He did not think that these institutions were sectarian. The purposes for which they were incorporated were not necessarily religious purposes. Land was not necessary for these institutions to hold.²¹⁹

MR. AT. GEN. DRUMMOND said, that in order to avoid any doubt upon the subject, he was quite willing to add in the 5th clause after the words "for the purposes for which they were so organized," the following words, "And not in the actual use and occupancy of such corporations." (Hear, hear.)²²⁰ So that they would be precluded from holding land for their support, more than was necessary. This, he hoped, would meet the insidious opposition of hon. gentlemen opposite.²²¹

MR. S. SMITH thought this introduction would make the thing quite clear. He would not now therefore argue the legal interpretation. But there was a strong reason why there should be a general Act with reference to these matters, and that is, that there would be constant appeals to the house to incorporate parties for the very purposes mentioned in this Bill. For the reasons that he had given he would support the Bill. It would be a saving of expense to the country, and of the time of the house, and it would prevent the continuation of those heart-burnings and dissensions occasioned by such Bills.²²²

MR. CHISHOLM was glad that the Attorney General East had expressed a wish to meet the views of the hon. members opposite.²²³ He did not see now that any objection should be made to the second reading of the Bill. He had not the same horror of these Ecclesiastical Corporations possessed by the honourable member for Lambton, but he thought that it became the house to pass this liberal Bill. No honourable gentleman who desired a settlement of this vexatious question could vote against the measure.²²⁴

MR. SANBORN thought that a general measure should be passed to attain the ends sought for by many who desire to be incorporated. Although he had shared partly in the objections urged by the honourable member for Lambton and others, as to certain features of these Bills for charitable corporations which had passed heretofore, still he did not apprehend that danger from them which many honourable members seemed to anticipate, but he thought that the fifth clause of the bill was decidedly objectionable, and more so than any clause that was put in ... a separate Bill. But that objection he admitted, was in a great measure removed by the declaration of the Attorney General East, that he was willing to confine it to the property of which these parties should be in actual occupancy. It would then be left a little vague. It was not right to suppose that any considerable amount of revenue would be derived from any property of the kind. There was a great deal of difference between the Vermont Bill and this Bill.²²⁵

MR. AT. GEN. DRUMMOND said this was a more comprehensive one.²²⁶

MR. SANBORN had heard the Attorney General East remark that this Bill was similar if not exactly like that of the general Act of Incorporation of the State of New York. The privileges, however, given by the latter were large. It gave power to hold Real Estate. That Act was different altogether from this. He did not see any objection to this measure if it were amended as the Attorney General had proposed.²²⁷

MR. A. DORION (in French) claimed this as having originally been an Opposition measure, for the Commissioner of Crown Lands had voted against it in 1852. He (Mr. D.) was willing to accept it, but there were some amendments which he might have to offer in committee.²²⁸

Mr. Brown's amendment was then put²²⁹.

(381)

The Honorable Mr. Attorney General *Drummond* moved, seconded by the Honorable Mr. *Lemieux*, and the Question being proposed, That the Bill be now read a second time;

Mr. *Brown* moved in amendment to the Question, seconded by Mr. *Aikins*, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins*, *Bell*, *Brown*, *Hartman*, *Mackenzie*, *Munro*, *Murney*, *Patrick*, and *Wright*. — (9.)

NAYS.

Messieurs *Bourassa*, *Brodeur*, *Bureau*, *Cartier*, *Casault*, *Cauchon*, *Chapais*, *Chisholm*, *Clarke*, *Conger*, *Charles Daoust*, *Jean B. Daoust*, *Darche*, *Desaulniers*, *Dionne*, *Jean B.E. Dorion*, *Antoine A. Dorion*, *Dostaler*, Attorney General *Drummond*, *Dufresne*, *Felton*, *Ferres*, *Thomas Fortier*, *Octave C. Fortier*, *Fournier*, *Galt*, *Gamble*, *Gill*, *Gutvremont*, *Huot*, *Labelle*, *Laberge*, *Laporte*, *LeBoutillier*, *Lemieux*, Attorney General *Macdonald*, *Marchildon*, *Masson*, *Mattice*, *Meagher*, *Joseph C. Morrison*, *Angus Morrison*, *O'Farrell*, *Papin*, *Pouliot*, *Powell*, *Price*, *Rhodes*, *Roblin*, Solicitor General *Ross*, *James Ross*, *Sanborn*, Solicitor General *Smith*, *Sidney Smith*, *Spence*, *Taché*, *Terrill*, *Thibaudeau*, *Turcotte*, and *Valois*. — (60.)

(382)

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Bourassa*, *Brodeur*, *Bureau*, *Cartier*, *Casault*, *Cauchon*, *Chapais*, *Chisholm*, *Clarke*, *Conger*, *Charles Daoust*, *Jean B. Daoust*, *Darche*, *Desaulniers*, *Dionne*, *Jean B.E. Dorion*, *Antoine A. Dorion*, *Dostaler*, Attorney General *Drummond*, *Dufresne*, *Felton*, *Ferres*, *Thomas Fortier*, *Octave C. Fortier*, *Fournier*, *Galt*, *Gamble*, *Gill*, *Gutvremont*, *Huot*, *Labelle*, *Laberge*, *Laporte*, *LeBoutillier*, *Lemieux*, Attorney General *Macdonald*, *Marchildon*, *Masson*, *Mattice*, *Meagher*, *Joseph C. Morrison*, *Angus Morrison*, *O'Farrell*, *Papin*, *Pouliot*, *Powell*, *Price*, *Rhodes*, *Roblin*, Solicitor General *Ross*, *James Ross*, *Sanborn*, Solicitor General *Smith*, *Sidney Smith*, *Spence*, *Taché*, *Terrill*, *Thibaudeau*, *Turcotte*, and *Valois*. — (60.)

NAYS.

Messieurs *Aikins*, *Bell*, *Brown*, *Hartman*, *Mackenzie*, *Munro*, *Murney*, *Patrick*, and *Wright*. — (9.)

So it was resolved in the Affirmative.

MR. AT. GEN. DRUMMOND then moved, that the Bill be referred to a Committee of the Whole on Tuesday next.²³⁰

(382)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.

Mr. *O'Farrell* moved, seconded by Mr. *Masson*, and the Question being put, That this House do now adjourn; the House divided: — And it passed in the Negative.

The Honorable Mr. *Cartier*, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General, — Return to an Address to His Excellency the Governor General, dated the 28th February last, praying His Excellency to cause to be laid before the House, a Return of the number of Applicants for admission into the *Toronto* Lunatic Asylum as Lunatics, and the number whose application has been refused from the want of the needful accommodation; the said Return to embrace the last three years, and to shew the number of Lunatics in the different Gaols in *Canada*.

For the said Return, see Appendix (No. 2.)

Return to an Address of the Legislative Assembly of the 14th instant, for Papers relative to the Municipal Debentures of the County of *Stanstead*.
For the said Return, see Appendix (No. 23.)

[On motion of] MR. A. MORRISON²³¹,

- (382) A Bill to authorize the Court of Chancery, and the Courts of Queen's Bench and Common Pleas, in *Upper Canada*, to admit *Henry Spencer Papps* to practise as a Solicitor and Attorney, was, according to Order, read the third time.
Resolved, That the Bill do pass.
Ordered, That Mr. *Angus Morrison* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. PRÉVOST²³²,

- (382-383) A Bill to amend the *Lower Canada* Municipal and Road Act, and to authorize the organization of the Municipal Council of the Village of *St. Jérôme*, was, according to Order, read the third time.
Resolved, That the Bill do pass, and the Title be, "An Act to amend the *Lower Canada* Municipal and Road Act of 1855, and to authorize the organization of a Municipal Council in the Village of *St. Jérôme*."
Ordered, That Mr. *Prévost* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. HOLTON²³³,

- (383) A Bill to amend the Act relating to Savings Banks, was, according to Order, read the third time.
Resolved, That the Bill do pass.
Ordered, That Mr. *Holton* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. JACKSON²³⁴,

- (383) A Bill to incorporate the Town of *Owen Sound*, in the County of *Grey*, was, according to Order, read the third time.
Resolved, That the Bill do pass.
Ordered, That Mr. *Jackson* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. SOL. GEN. H. SMITH²³⁵,

- (383) A Bill to amend the Act incorporating the *Hamilton* and *Port Dover* Railway Company, was, according to Order, read the third time.
Resolved, That the Bill do pass, and the Title be, "An Act to revive, continue, and amend the Act incorporating the *Hamilton* and *Port Dover* Railway Company."
Ordered, That Mr. Solicitor General *Smith* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. MERRITT²³⁶,

- (383) A Bill to extend the line of the *Port Dalhousie* and *Thorold* Railway Company, was, according to Order, read the third time.
Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. *Merritt* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. CAMERON²³⁷,

- (383) A Bill to incorporate the *Canada* North-West Railway Company, was, according to Order, read the third time.
Resolved, That the Bill do pass.
Ordered, That the Honorable Mr. *Cameron* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. FREEMAN²³⁸,

- (383) A Bill to incorporate the *Ontario* Hotel Company, was, according to Order, read the third time.
Resolved, That the Bill do pass.
Ordered, That Mr. *Freeman* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] DR. T. FORTIER²³⁹,

- (383) A Bill to authorize *Henry Wulfe Trigge*, Esquire, and others, to construct a Toll-bridge on the Northeast Branch of the River *Nicolet*, near the Church of the Parish of *Ste. Monique*, in the County of *Nicolet*; and to incorporate the said *Henry Wulfe Trigge* and others, under the name of the "*Ste. Monique* Bridge Company," was, according to Order, read the third time.
Resolved, That the Bill do pass.
Ordered, That Mr. *Thomas Fortier* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. CRAWFORD²⁴⁰,

- (384) A Bill for the punishment of the Officers and Servants of Railway Companies contravening the By-Laws of such Companies to the danger of persons and property, was, according to Order, read the third time.
Resolved, That the Bill do pass.
Ordered, That Mr. *Crawford* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. FERRIE²⁴¹,

- (384) A Bill to erect the Municipality of the Village of *Galt* into that of a Town, was, according to Order, read the third time.
Resolved, That the Bill do pass, and the Title be, "An Act to incorporate the Town of *Galt*, and to define the limits thereof."
Ordered, That Mr. *Ferrie* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. JACKSON²⁴²,

- (384) A Bill to separate the Counties of *Huron* and *Bruce*, and for other purposes, was, according to Order, read the third time.
Resolved, That the Bill do pass, and the Title be, "An Act to separate the County of *Bruce* from the County of *Huron*."

Ordered, That Mr. *Jackson* do carry the Bill to the Legislative Council, and desire their concurrence.

Then, on motion of the Honorable Mr. Attorney General *Drummond*, seconded by the Honorable Mr. *Cayley*,
The House adjourned until Monday next.²⁴³

Appendix

[POSTPONED MOTION RE: T.W. LAWFORD.]

MR. AT. GEN. J.A. MACDONALD moved the second reading of the bill to admit T.W. Lawford to practice as an Attorney.²⁴⁴

MR. J. DORION moved that the said bill be not now read a second time.²⁴⁵

The motion was finally withdrawn [sic].²⁴⁶

[POSTPONED MOTION RE: SATURDAY SITTINGS.]

MR. HOLTON, in the absence of Mr. Galt,²⁴⁷ moved that the House should hereafter sit on Saturdays from 11 till 4 o'clock²⁴⁸ to take up the Private business before Parliament.²⁴⁹

DR. MASSON and MR. FORTIER [objected] on the ground of²⁵⁰ want of sufficient notice.²⁵¹

MR. AT. GEN. DRUMMOND suggested that the subject should lie over until Monday.²⁵²

MR. HOLTON acceded to the suggestion.²⁵³

Footnotes

1. *Toronto Daily Leader*, 26 April 1856.
2. *Ibid.*
3. *Globe*, 26 April 1856.
4. *Telegraph (Montreal Gazette)*, 26 April 1856).
5. *Globe*, 26 April 1856.
6. *Hamilton Spectator Semi-Weekly*, 30 April 1856.
7. *Globe*, 26 April 1856.
8. *Ibid.*
9. *Ibid.*
10. *Toronto Daily Leader*, 26 April 1856.
11. *Globe*, 26 April 1856.
12. *Ibid.*
13. *Ibid.*
14. *Toronto Daily Leader*, 26 April 1856, reports that this Message was read to the House amidst the subsequent debate on the Tariff question.

15. *Toronto Daily Leader*, 26 April 1856, differs from the *Journals* and reports that the Bill was ordered to be read a second time "on Monday next".
16. *Globe*, 26 April 1856.
17. *Toronto Daily Leader*, 26 April 1856.
18. *Globe*, 26 April 1856.
19. *Toronto Daily Leader*, 26 April 1856.
20. *Globe*, 26 April 1856.
21. *Toronto Daily Leader*, 26 April 1856.
22. *Globe*, 26 April 1856.
23. *Toronto Daily Leader*, 26 April 1856.
24. *Globe*, 26 April 1856.
25. *Toronto Daily Leader*, 26 April 1856.
26. *Globe*, 26 April 1856.
27. *Toronto Daily Leader*, 26 April 1856.
28. *Toronto Daily Leader*, 26 April 1856. The *Journals*' reference to this message is found on page (380) 1632.
29. *Toronto Daily Leader*, 26 April 1856.
30. *Globe*, 26 April 1856.
31. *Toronto Daily Leader*, 26 April 1856.
32. *Globe*, 26 April 1856.
33. *Toronto Daily Leader*, 26 April 1856.
34. *Toronto Daily Leader*, 28 April 1856.
35. *Globe*, 26 April 1856.
36. *Toronto Daily Leader*, 28 April 1856.
37. *Globe*, 26 April 1856.
38. *Toronto Daily Leader*, 28 April 1856.
39. *Globe*, 26 April 1856.
40. *Toronto Daily Leader*, 28 April 1856.
41. *Globe*, 26 April 1856.
42. *Toronto Daily Leader*, 28 April 1856.
43. *Globe*, 26 April 1856.
44. *Toronto Daily Leader*, 28 April 1856.
45. *Globe*, 26 April 1856.
46. *Toronto Daily Leader*, 28 April 1856.
47. *Globe*, 26 April 1856.
48. *Toronto Daily Leader*, 28 April 1856.
49. *Globe*, 26 April 1856.
50. *Toronto Daily Leader*, 28 April 1856.
51. *Globe*, 26 April 1856.
52. *Toronto Daily Leader*, 28 April 1856.
53. *Ibid.*
54. *Ibid.*
55. *Ibid.*
56. *Globe*, 26 April 1856.
57. *Ibid.*
58. *Toronto Daily Leader*, 28 April 1856.
59. *Globe*, 26 April 1856.
60. *Toronto Daily Leader*, 28 April 1856.
61. *Ibid.*
62. *Globe*, 26 April 1856.
63. *Toronto Daily Leader*, 28 April 1856.
64. *Globe*, 26 April 1856.
65. *Ibid.*
66. *Toronto Daily Leader*, 28 April 1856.
67. *Ibid.*
68. *Ibid.*
69. *Ibid.*
70. *Globe*, 26 April 1856.

71. *Toronto Daily Leader*, 28 April 1856.
72. *Globe*, 26 April 1856.
73. *Ibid.*
74. *Toronto Daily Leader*, 28 April 1856.
75. *Globe*, 26 April 1856.
76. *Ibid.*
77. *Ibid.*
78. *Toronto Daily Leader*, 28 April 1856. *Perth Courier*, 2 May 1856, reports that Mr. Cayley "replied by reading telegraphic despatches from eminent [sic] merchants, containing precisely opposite recommendation[s]".
79. *Globe*, 26 April 1856.
80. *Toronto Daily Leader*, 28 April 1856.
81. *Globe*, 26 April 1856.
82. *Toronto Daily Leader*, 28 April 1856.
83. *Ibid.*
84. *Globe*, 26 April 1856.
85. *Toronto Daily Leader*, 28 April 1856.
86. *Ibid.*
87. *Ibid.*
88. *Globe*, 26 April 1856.
89. *Toronto Daily Leader*, 28 April 1856.
90. *Globe*, 26 April 1856.
91. *Toronto Daily Leader*, 28 April 1856.
92. *Globe*, 26 April 1856.
93. *Toronto Daily Leader*, 28 April 1856.
94. *Globe*, 26 April 1856.
95. *Toronto Daily Leader*, 28 April 1856.
96. *Globe*, 26 April 1856.
97. *Ibid.*
98. *Ibid.*
99. *Perth Courier*, 2 May 1856.
100. *Toronto Daily Leader*, 28 April 1856.
101. *Ibid.*
102. *Globe*, 26 April 1856.
103. *Ibid.*
104. *Ibid.*
105. *Ibid.*
106. *Ibid.*
107. *Ibid.*
108. *Ibid.*
109. *Ibid.*
110. *Ibid.*
111. *Ibid.*
112. *Ibid.*
113. *Ibid.*
114. *Ibid.*
115. *Ibid.*
116. *Ibid.*
117. *Toronto Daily Leader*, 26 April 1856.
118. *Ibid.*
119. *Globe*, 26 April 1856. *Perth Courier*, 2 May 1856, reports that "several amendments were put and lost, and the several items as proposed were carried, with the exception of bottled wines, which were classified at three separate rates."
120. *Toronto Daily Leader*, 28 April 1856.
121. *Ibid.*
122. *Globe*, 26 April 1856.
123. *Toronto Daily Leader*, 28 April 1856.
124. *Ibid.*
125. *Globe*, 26 April 1856.

126. *Toronto Daily Leader*, 28 April 1856.
127. *Ibid.*
128. *Ibid.*
129. *Ibid.*
130. *Hamilton Spectator Semi-Weekly*, 30 April 1856.
131. *Toronto Daily Leader*, 28 April 1856.
132. *Ibid.*
133. *Toronto Daily Leader*, 26 April 1856.
134. *Toronto Daily Leader*, 28 April 1856.
135. *Globe*, 26 April 1856.
136. *Toronto Daily Leader*, 28 April 1856.
137. *Globe*, 26 April 1856.
138. *Toronto Daily Leader*, 28 April 1856.
139. *Globe*, 26 April 1856.
140. *Toronto Daily Leader*, 28 April 1856.
141. *Hamilton Spectator Semi-Weekly*, 30 April 1856.
142. *Toronto Daily Leader*, 26 April 1856.
143. *Globe*, 26 April 1856.
144. *Toronto Daily Leader*, 28 April 1856.
145. *Globe*, 26 April 1856.
146. *Toronto Daily Leader*, 28 April 1856.
147. *Hamilton Spectator Semi-Weekly*, 30 April 1856.
148. *Globe*, 26 April 1856.
149. *Toronto Daily Leader*, 28 April 1856.
150. *Globe*, 26 April 1856.
151. *Ibid.*
152. *Toronto Daily Leader*, 28 April 1856.
153. *Ibid.*
154. *Ibid.*
155. *Ibid.*
156. *Hamilton Spectator Semi-Weekly*, 30 April 1856.
157. *Toronto Daily Leader*, 28 April 1856.
158. *Globe*, 26 April 1856.
159. *Ibid.*
160. *Ibid.*
161. *Ibid.*
162. *Hamilton Spectator Semi-Weekly*, 30 April 1856.
163. *Globe*, 26 April 1856.
164. *Ibid.*
165. *Hamilton Spectator Semi-Weekly*, 30 April 1856.
166. *Globe*, 26 April 1856.
167. *Ibid.*
168. *Ibid.*
169. *Hamilton Spectator Semi-Weekly*, 30 April 1856.
170. *Globe*, 26 April 1856.
171. *Hamilton Spectator Semi-Weekly*, 30 April 1856.
172. *Toronto Daily Leader*, 26 April 1856.
173. *Hamilton Spectator Semi-Weekly*, 30 April 1856.
174. *Ibid.*
175. *Hamilton Spectator Semi-Weekly*, 30 April 1856. This newspaper does not indicate whether the speaker was Mr. A. Dorion or Mr. J. Dorion. No other newspaper reports this speech.
176. *Hamilton Spectator Semi-Weekly*, 30 April 1856.
177. *Globe*, 26 April 1856.
178. *Ibid.*
179. *Toronto Daily Leader*, 26 April 1856. This newspaper does not indicate whether the speaker was Mr. A. Dorion or Mr. J. Dorion. No other newspaper reports this speech.
180. *Toronto Daily Leader*, 26 April 1856.

181. *Toronto Daily Leader*, 26 April 1856.
182. *Globe*, 26 April 1856.
183. *Toronto Daily Leader*, 28 April 1856.
184. *Globe*, 28 April 1856.
185. *Toronto Daily Leader*, 28 April 1856.
186. *Globe*, 28 April 1856.
187. *Toronto Daily Leader*, 28 April 1856.
188. *Globe*, 28 April 1856.
189. *Toronto Daily Leader*, 28 April 1856.
190. *Globe*, 28 April 1856.
191. *Toronto Daily Leader*, 28 April 1856.
192. *Globe*, 28 April 1856.
193. *Ibid.*
194. *Ibid.*
195. *Ibid.*
196. *Ibid.*
197. *Ibid.*
198. *Ibid.*
199. *Ibid.*
200. *Ibid.*
201. *Ibid.*
202. *Ibid.*
203. *Ibid.*
204. *Ibid.*
205. *Ibid.*
206. *Ibid.*
207. *Ibid.*
208. *Ibid.*
209. *Ibid.*
210. *Ibid.*
211. *Toronto Daily Leader*, 28 April 1856.
212. *Ibid.*
213. *Ibid.*
214. *Ibid.*
215. *Globe*, 28 April 1856.
216. *Toronto Daily Leader*, 28 April 1856.
217. *Globe*, 28 April 1856.
218. *Toronto Daily Leader*, 28 April 1856.
219. *Globe*, 28 April 1856.
220. *Ibid.*
221. *Toronto Daily Leader*, 28 April 1856.
222. *Globe*, 28 April 1856.
223. *Toronto Daily Leader*, 28 April 1856.
224. *Globe*, 28 April 1856.
225. *Ibid.*
226. *Ibid.*
227. *Ibid.*
228. *Ibid.*
229. *Ibid.*
230. *Ibid.*
231. *Ibid.*
232. *Ibid.*
233. *Ibid.*
234. *Ibid.*
235. *Ibid.*
236. *Ibid.*
237. *Ibid.*

238. *Globe*, 28 April 1856.
239. *Ibid.*
240. *Ibid.*
241. *Ibid.*
242. *Ibid.*
243. *Toronto Daily Leader*, 28 April 1856, reports that the House adjourned "at a quarter to one o'clock".
244. *Toronto Daily Leader*, 28 April 1856.
245. *Ibid.*
246. *Ibid.*
247. *Toronto Daily Leader*, 26 April 1856.
248. Telegraph (*Montreal Gazette*, 26 April 1856).
249. *Toronto Daily Leader*, 26 April 1856.
250. *Toronto Daily Leader*, 26 April 1856. This newspaper does not indicate whether the speaker was Mr. O. Fortier or Dr. T. Fortier. No other newspaper reports this speech.
251. Telegraph (*Montreal Gazette*, 26 April 1856).
252. *Toronto Daily Leader*, 26 April 1856.
253. *Ibid.*

MONDAY, 28 APRIL 1856

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THE following Petitions were severally brought up and laid on the table: —

By Mr. *Polette*, — The Petition of the Committee of Management of the *Three Rivers* Academy; and the Petition of the Mechanics' Institute of *Three Rivers*.

By Mr. *DeWitt*, — The Petition of *Robert H. Kittson* and others, of *Sorel*.

By Mr. *Darche*, — The Petition of *Aimé Sicotte* and others, of the Parish of *Boucherville*; and the Petition of *Pierre Bénard* and others, of *St. Bruno*.

By Mr. *Frazer*, — The Petition of *John Rannie* and others, of the Township of *Thorold*.

By Mr. *Marchildon*, — The Petition of *L. Guillet* and others; and the Petition of *J. G. Lamothe* and others.

By Mr. *Wright*, — The Petition of *J. G. P. Dickson* and others, of *Richmond Hill* and neighbourhood; the Petition of *David Reesor*, Chairman, on behalf of a Public Meeting held in the Township of *Markham*; and the Petition of *John Lasher* and others, of the Village of *Bath*.

By Mr. *Bell*, — The Petition of *A. N. Arthur* and others, of the Township of *Beckwith*.

By Mr. *Holton*, — The Petition of the *Montreal* Board of Trade.

By the Honorable Mr. *Young*, — The Petition of the Reverend *William T. Leach* and others, Members of *St. George's Chapel, Montreal*.

By Mr. *Bowes*, — The Petition of *John Hanly* and others, of the Township of *Tyendinaga*; and the Petition of *Thomas Langley* and others, of the Townships of *Tecumseth* and *Adjala*.

By Mr. *Laberge*, — The Petition of *Théophile Roy* and others, of the Parish of *St. Athanase*.

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By Mr. *James Smith*, — The Petition of *James Scott*, Mayor of *Port Hope*, and others, interested in the commerce and navigation of the Lakes; the Petition of *William Donaldson* and others, mariners and others, engaged or interested in the commerce and navigation of the Lakes; the Petition of *Ralph Jones* and others, mariners and others, engaged or interested in the commerce and navigation of the Lakes; the Petition of *James R. Benson* and others, mariners and others, engaged or interested in the commerce and navigation of the Lakes; the Petition of *G. H. Crysler* and others, mariners and others, engaged or interested in the commerce and navigation of the Lakes; the Petition of *William Bowen* and others, mariners and others, engaged or interested in the commerce or navigation of the Lakes; the Petition of Messieurs *Buchanan, Harris* and Company, and others, mariners and others, engaged or interested in the commerce and navigation of the Lakes; the Petition of *E. F. Whittemore* and others, mariners and others, engaged or interested in the commerce and navigation of the Lakes; and the Petition of the Reverend *Hannibal Mulkins*.

By the Honorable Mr. *Rolph*, — The Petition of *S. McLaughlan* and others, of the County of *Kent*; the Petition of *Walter J. Sutton* and others, of the County of *Ontario*; and the Petition of *George Real* and others, of the County of *Victoria*.

By Mr. *Jean Baptiste Eric Dorion*, — The Petition of the Reverend *S. Belleau* and others, of *Ste. Croix*, County of *Lotbinière*; the Petition of *Aimé Dugas* and others, of the County of *Laprairie*; and the Petition of *N. Cressé* and others, of the Parish of *Nicolet*.

By Mr. *Brown*, — The Petition of *G. Vair* and others, of the Town of *Belleville*; the Petition of *William Brown* and others, of the Village of *Smith's Falls* and vicinity; the Petition of *A. McArthur*, and others, of *Carleton Place* and adjacent Townships in the North and South Ridings of the County of *Lanark*; and the Petition of *Alexander Card* and others, of the Township of *Etobicoke*.

By Mr. *Church*, — The Petition of *Francis Jones*, of the Village of *Kemptville*.

By the Honorable Mr. *Chabot*, — The Petition of *Adolphus Scherfenberg* and others, German Inhabitants of the City of *Quebec*.

By Mr. *Evanturel*, — The Petition of the Municipal Council of the County of *Quebec*.

By Mr. *Prévost*, — The Petition of the Reverend *Charles Champoux* and others, of the Parish of *Ste. Anne des Plaines*.

By the Honorable Mr. Attorney General *Drummond*, — The Petition of *James Kay* and others, of the Village of *Granby*; the Petition of *Thomas Machin* and others, of *Granby*; and the Petition of Messieurs *G.B. Symes* and Company and others, Merchants interested in the shipping business of *Quebec*.

Pursuant to the Order of the day, the following Petitions were read: —

Of *Benjamin Holmes* and others, of the County of *Oxford*; of *Levi Fowler* and others, of the County of *Elgin*; of *Robert Blackwood* and others, of the County of *Elgin*; of *R.W. Travers* and others, of the County of *Elgin*; of *Alexander Pollock* and others, of the County of *Elgin*; and of *William Yale* and others, of the County of *Peel*; praying that means may be adopted to prevent the unnecessary expenditure of King's College.

Of *Paul Dunn* and others, Bailiffs of Division Courts in the County of *Grey*; praying that the Tariff of Fees at present allowed them may be increased.

Of *William Biggar*, senior, and others, of the Township of *Stamford*; praying that the side line Road allowance, between Lots No. 136 and 120, in the said Township, may not be closed up, or vested in the Municipality of the said Township.

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Of *Thomas Caldwell* and others, of the Parish of *St. Jean l'Evangéliste*; praying for an Elective Legislative Council, an Elective Governor, and the recall of Sir *Edmund Head*.

Of *Joseph Wood* and others, of the Township of *King*; of *Robert Johnston* and others, of the Townships of *Georgina* and *Brock*; of *George B. Dickson* and others, of the Townships of *Vaughan* and *Markham*; of *Joseph Briggs* and others, of the Township of *Arran*; of *John Walker* and others, of the Township of *Clarke*; of *F. Ferguson* and others, of *Peterborough* and vicinity; of *Thomas Solomon* and others, of the Township of *Alnwick*; of *Thomas Hislop* and others, of the Township of *West Oxford*; of *Thomas McLean* and others, of the Village of *Innerkip*; of *G.N. Vail* and others, of the Town of *Fingal*; of *George Dodds* and others, of the Township of *Caledon*, County of *Peel*; of *Robert Smith* and others, of *Sydenham*, County of *Grey*; of *Matthew Gill* and others, of the Township of *Oneida*; of *Seth Smith* and others, of the Township of *Canborough*; of *James Watson* and others, of the Township of *Oneida*; of *Jacob Turner* and others, of *Caledonia*, County of *Haldimand*; of *C.S. Kelley* and others, of the Township of *Canborough*, County of *Haldimand*; of *Thomas Hardy* and others, of the Township of *Dereham*, County of *South Oxford*; of *D.C. Brady* and others, of the Township of *Rainham*; and of *John Callanan* and others, of the Township of *Wallace*; praying that representation may be based upon population.

Of *J. Simpson* and others, of the Township of *Darlington*; of *John Lindsay* and others, of *Litchfield*; and of the Reverend *David Courts* and others, on behalf of the United Presbyterian Congregation of *Chinguacousy*; praying for the abolition of Sunday labor in the Post Office Department, and on the *St. Lawrence* Canals.

Of *John Powell* and others, Registrars in *Upper Canada*; praying that the Tariff of Fees at present allowed them may be increased.

Of *Michael McLaughlan* and others, of the Township of *Hull*; praying that the Bill now before the House, to authorize the Trustees holding the Presbyterian Church in the said Township, and the lot upon which it is situated, to sell and convey the same, may not become law.

Of the Mechanics' Institute of *St. Eustache*; praying for aid.

Of *Samuel Zimmerman* and others; praying for the passing of an Act to vest in them a certain Road allowance in the Township of *Stamford*, County of *Welland*.

Of the *Hamilton* Board of Trade; praying that a general Flour Inspection Law may be enacted, consolidating all former Acts, and establishing a general standard of Inspection.

Of *William Gunn* and others, of *Inver Huron*, and other places, County of *Bruce*; praying that the Government Town Plot of *Inver Huron* may be made the County Town of the County of *Bruce*.

Of *H. Fowler* and others, of the Township of *Dudswell*; of *R.N. Webber* and others, of the Township of *Cleveland*; and of *William H. McCullough* and others, of the Township of *Windsor*; praying that one of the contemplated Normal Schools may be located in some part of the Eastern Townships.

Of the Reverend *James Bayne* and others; praying for the passing of a Prohibitory Liquor Law.

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Of *J. Mills* and others, of the Village of *Florence*; praying that the Bill now before the House to detach the Township of *Euphemia* and part of the Townships of *Sombra* and *Dawn* from the County of *Lambton* may become law.

Of the Reverend *John Gunne* and others, of the Township of *Euphemia*; praying that the Township of *Euphemia* may be annexed to the County of *Kent*.

Of the Municipal Council of the United Counties of *Frontenac*, *Lenox*, and *Addington*; praying for certain amendments to the Act 16 Vic. cap. 181.

Of the Board of Public Instruction, County of *York*; praying for the repeal of the Separate School Act.

Of *Simon Orchard* and others, of the Township of *Elderslie* and other Townships; praying that the separation of the County of *Bruce* from the County of *Huron* may be deferred.

Of *L.B. Maurault* and others, of the Parish of *St. Simon*, County of *Bagot*; of the Reverend *E. Faucher* and others, of *Lotbinière*; of the Reverend *Joseph Bailey* and others, of *St. Pierre les Becquets*, County of *Nicolet*; of *Gilbert Bergévin* and others, of the Parish of *Ste. Cécile*; of *M.F. Dépocas* and others, of the Parish of *Ste. Cécile*; of *George Harris* and others, of the Parish of *Ste. Cécile*; and of *F.B. Cormier* and others, of the Township of *Somerset*; praying that no further guarantee may be given to the Grand Trunk Railway Company.

Of *William M. Kelly*, of the Town of *Brockville*, County of *Leeds*; setting forth certain grievances, and praying an inquiry into the same.

Of the *Montreal* Board of Trade; praying that any contemplated change in the Customs Tariff may only come into force on and after the fifth day of July next.

Of *John A. Queen* and others, of the Township of *Cornwall*; praying that the Bill now before the House to legalize a certain By-Law of the Municipality of the Township of *Cornwall*, may not become law.

Of the Mayor, Aldermen, and Citizens of the City of *Montreal*; praying that the Bill now before the House to incorporate the *Montreal* Gas Company, may not become law.

Of the Municipality of the Township of *Clarendon*; praying for certain amendments to the Municipal and Road Act of 1855.

Of *William McNeil*; setting forth certain grievances, and praying for an inquiry into the same.

Of *Martin McKinnon*, of the Township of *Vaughan*, County of *York*; representing that he was the occupant of a Clergy Reserve lot of land in the said Township, which was afterwards erected into a Rectory, and of which he is about to be deprived, and praying that his case may be inquired into.

On motion of Mr. *Jean Baptiste Eric Dorion*, seconded by Mr. *Prévost*,

Ordered, That the Petition of the Honorable *John Young* and others, be received, notwithstanding the expiration of the time fixed by the Rules of the House for the reception of Petitions for Private or Local Bills.

And the said Petition was received, and read; praying that the Act to incorporate a Company to construct a Canal from the River *St. Lawrence* into Lake *Champlain*, may be revived.

Ordered, That the Return to an Address of the 14th instant, for papers relative to Municipal Debentures of the County of *Stanstead*, be printed for the use of the Members of this House; and that the Rule requiring a reference to the Standing Committee on Printing be suspended as regards the same.

Ordered, That the Petition of *Samuel Zimmerman* and others, of the Village of *Elgin*, relating to a Road allowance in *Stamford*, be referred to the Standing Committee on Miscellaneous Private Bills.

After ... the routine business had been gone through,¹

MR. HOLTON said before proceeding with the ordinary business, he craved the indulgence of the House as he wished to refer for a moment to a matter of some importance, and he hoped he would not be prevented doing so by any question of order being raised. He said it would be remembered, that in

the debate on the tariff on Friday evening, he urged the Inspector General to state to the House the period at which it was the intention of the Government to bring the new tariff into operation. The Inspector General declined to inform the House, and the inference was that the Government had not fully made up their own minds as to the precise period. He found however by the Montreal papers, received by yesterday's mail, that the honorable Provincial Secretary had communicated with parties in Montreal on Thursday, the day before the debate came on, and the statement of the Provincial Secretary is, that it was not intended that the new law should take effect earlier than the 15th of June; of course this is a matter in which the whole country was interested, and should be made acquainted with.² He could scarcely imagine that the Provincial Secretary had made such a communication in ignorance of the intentions of the Government.³ He would, therefore, ask the Inspector General whether that information was well founded; and whether the Government had intended to give effect to this new tariff on the 15th June.⁴ He would not say a word as to the impropriety of disclosure being made to private parties of the intentions of the Government on a matter of that importance, in advance of information communicated to this house.⁵ He simply wished to know if this information was reliable.⁶

MR. INSP. GEN. CAYLEY said he was not aware of any official communications having been made to gentlemen in Montreal as to the intentions of the Government.⁷ The Government have their own views upon this subject, and probably have already chalked out their course as to the time at which they would bring this tariff into operation. But it was perfectly clear, that until the resolutions have passed the House he could not bring down the Bill, and could not, therefore, state the time. He stated that if he could get the resolutions through, he would bring down the Bill which would declare the course. But as he was told the amendments to be proposed were not to be moved until the Speaker was in the chair, he did not know what time they might get through. He did not feel called upon at present to announce the policy of the Government, when he did not know whether that policy could be carried out. If the resolutions pass on Tuesday, he would bring down his Bill on Wednesday, and that Bill would declare the policy of the Government on that question.⁸

MR. HOLTON. — Is the house to understand whether the information said to have been communicated by the Provincial Secretary to merchants in Montreal is, or is not reliable?⁹ — Because the Inspector General must be aware that information coming from such a source would be taken as reliable, until some counter statement was made. He thought it only right that there should be no misapprehension upon this subject.¹⁰

No reply was given by MR. INSP. GEN. CAYLEY.¹¹

MR. BROWN hoped the Inspector General would not hesitate to state what the views of the Government were, even suppose there may be some difficulty with the Bill. The hon. gentleman must see that this is a very important matter, for if some merchants have private information and some not, it was injustice to those who were not informed.¹²

MR. GALT said it is stated in the Montreal papers that some of the merchants have had a private telegraph from the Provincial Secretary.¹³

MR. BROWN believed the private telegraph was from the Provincial Secretary, but the Government must have some view upon the subject, and if after the discussion it be necessary to alter that it can be done. The question was, should not the whole people of the country have as much information upon this point as any of the merchants in Montreal?¹⁴ A great deal of anxiety was felt upon the subject, and he hoped the Inspector General would not withhold the information.¹⁵ He (Mr. Brown) had had some letters this morning, asking when the proposed tariff was likely to go into operation. There was this consideration, that parties getting this information might make their arrangements accordingly, and

deprive the Inspector General of so much of his duty. But then one party should be made aware as well as another. He hoped, therefore, that the information would be given.¹⁶

MR. INSP. GEN. CAYLEY. — For the very reason the hon. gentleman has assigned he had refused to give any information upon the subject. The practice was to keep these things as close as possible, and give no information to the trade at all, but bring in the measure immediately after the resolutions had been adopted.¹⁷ He did not think it right to press the Government for information, when they had scarcely had time to make up their own minds.¹⁸

MR. HOLTON agreed with the Inspector General, that no statement should be made until the Government had made up their minds; but what he complained of was, that information — unofficial it may be — but from parties responsible for the information they may give — has been sent by telegraph to Montreal,¹⁹ while members of this House had been unable to obtain the information in the interest of the whole community.²⁰ He had been asked by merchants in Toronto when the change would take place, and he told them he did not know — when to his utter surprise the Montreal papers came up containing a telegraph from the Provincial Secretary, giving the information. He had in his hand a letter from Montreal from the Board of Trade of which he was President²¹, complaining that he and Mr. Young had not telegraphed the information to the Exchange, as had been expected, and that it was first telegraphed by Mr. Ferres, and then by the hon. Mr. Cartier, on Thursday — the day before the Inspector General [sic] refused in the house to declare the intentions of the Government.²² He conceived it was highly irregular that such statements should have been so made. But if that information be not reliable he thought it due to the commercial community that the Inspector General should say so, or say whether it was reliable or not.²³

MR. INSP. GEN. CAYLEY said he confined himself to his former statement. If the resolution[s] passed he would bring in his bill on Wednesday, and the bill would state the period at which the tariff would take effect.²⁴

MR. GALT. — The name of the Provincial Secretary has been frequently made use of in connection with this subject, he would ask what explanation the Provincial Secretary had to give of this information having been sent.²⁵

MR. PROV. SEC. CARTIER — (vehemently.) I have no explanation to give, Sir.²⁶ (Oh, oh.)²⁷

The matter here dropped.²⁸

(387) *Ordered*, That Mr. *Frazer* have leave to bring in a Bill to authorize the Municipal Council of the County of *Lincoln* to select a new site for a County Town, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

(388) *Ordered*, That Mr. *Gamble* have leave to bring in a Bill to incorporate certain persons therein named under the style and title of the Millers' Association of *Canada West*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

MR. JOBIN moved that the house do concur in the fourth report of the Standing Committee on contingencies.²⁹

MR. MACKENZIE moved that the Report be first read.³⁰

The Report was read by the Clerk.³¹

MR. BROWN said the proposal was, that, in addition to the increase on the salaries of officers of the house made last year, they should by one vote make an additional increase of from 15 to 25 per cent. on the whole of them.³² He hoped the hon. member from Jolliette [sic] would allow the Report to stand over³³, to allow the house time to consider a matter so serious as adding to its expenses several thousand pounds per annum. There ought also to be a list laid before the house of the names of the officers, their present salaries, and the increase proposed to be given them.³⁴

MR. MERRITT also hoped the hon. member would withdraw his report.³⁵

MR. AT. GEN. DRUMMOND agreed with the hon. member for Lambton, that they ought not to adopt that report until hon. gentlemen had time to consider it; and also, that they should have a full statement of the salaries which the officers of that House were at present in receipt of. They were, he thought, entitled to an increase as well as the officers of the executive; but, before they voted that increase, they should have the means of justifying that act to their own consciences and to the country at large. But there was another ground on which he objected to this Report. The first part of it recommended the payment of the expenses incurred in the Argenteuil election contest — an act which would be against all law and precedent. Similar demands had been before made to that House, but had been uniformly opposed. He felt confident that a majority of the House would be found opposed to any such payment. He trusted the hon. mover would be kind enough to let the report stand over. Its consideration might be fixed for the first order of the day on Monday next.³⁶

After some further conversation,³⁷

The consideration of the Report was ... postponed till Monday next — at which time a correct list of the Government employees and their salaries will be laid before the House.³⁸

(388)

On motion of Mr. *Jobin*, seconded by Mr. *Thomas Fortier*,

Ordered, That the Order of the day for taking into consideration the Fourth Report of the Standing Committee on Contingencies, be postponed until Monday next, and be then the first Order of the day.

Ordered, That Mr. *Biggar* have leave to bring in a Bill to incorporate the *British Farmers' Union Insurance Company*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. MERRITT moved that the petition of Sir Allan McNab on the subject of an enquiry into the expenditure on Brock's monument be referred to a committee to consist of the Attorney General West, the Commissioner of Crown Lands, Hon. Mr. Robinson, Mr. Dorion and Mr. Brown.³⁹

MR. MACKENZIE enquired if this were a petition asking for money.⁴⁰

MR. MERRITT explained that the object of appointing the Committee, was to ascertain exactly what had been done on the subject, and the amount if any requisite to complete the work.⁴¹

The motion was granted.⁴²

(388)

Resolved, That the Petition of the Honorable Sir *Allan N. MacNab*, President of the Committee for the building of *Brock's Monument*, be referred to a Select Committee, composed of the Honorable Mr. *Merritt*, the Honorable Mr. Attorney General *Macdonald*, the Honorable Mr. *Cauchon*, the Honorable Mr. *Robinson*, Mr. *Antoine Aimé Dorion*, and Mr. *Brown*, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to incorporate the *Buffalo* and *Lake Huron* Railway Company, with power to purchase from the *Buffalo* and *Goderich* Railway Company their line of Railway, and for other purposes," without any Amendment: And also,

The Legislative Council have passed the Bill, intituled, "An Act to provide in a more certain manner for order in enregistration, and to facilitate enregistrations and searches in the Registry Offices of *Lower Canada*," with several Amendments, to which they desire the concurrence of this House: And also,

The Legislative Council do give leave to the Honorable *Etienne P. Taché*, the Speaker of their House, to go to the Special Committee appointed by this House, to investigate the proceedings of the *Montreal* and *Bytown* Railway Company, as desired by this House, in their Message received this day, if he thinks fit.

And then he withdrew.

Ordered, That the Petition of the Honorable and Right Reverend *John Strachan*, Bishop of *Toronto*, and the Reverend *F.J. Lundy*, Rector of *Grimsby*, be referred to the Standing Committee on Standing Orders; with an Instruction to the said Committee to inquire into the propriety of suspending the 62nd Rule of this House as regards the same.

On motion of Mr. *Casault*, seconded by the Honorable Mr. *Chabot*,

Ordered, That the Bill from the Legislative Council, intituled "An Act to amend an Act for supplying the City of *Quebec*, and parts adjacent thereto, with Water," be now read for the first time.

The Bill was accordingly read the first time; and ordered to be read a second time on Wednesday next.

MR. CAMERON stated that the time for receiving and reporting private Bills had expired. But as there were many private Bills now before the House, some of which had not been received by the Private Bill Committee, he would, with the concurrence of the House, move that the time for receiving private Bills, be extended till the 10th of next May, and that the time for reporting private Bills, be extended to the 24th of the same month. The time for receiving petitions for private Bills had also expired — therefore, no new Bills could be introduced. The object of his motion was simply to dispose of those that had been introduced already.⁴³

A short discussion ensued on this motion, which was subsequently amended, by adding the words, "notwithstanding any former order of this House."⁴⁴

The motion was then put and carried.⁴⁵

(389)

On motion of the Honorable Mr. *Cameron*, seconded by Mr. *Powell*,

Ordered, That the time for receiving Private or Local Bills be extended to the tenth day of May next, and Reports on Private or Local Bills to the twenty-fourth of May next, notwithstanding any Order of the House to the contrary.

On motion of MR. PRÉVOST,⁴⁶

(389)

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to provide in a more certain manner for order in enregistration, and to facilitate enregistrations and searches in the Registry Offices of *Lower Canada*," and the same were read, as follow: —

Page 1, line 10. Leave out from "one" to "from" and insert "year."

Page 1, line 13. Leave out "besides" and insert "make."

Page 1, line 14. Leave out "enter" and after "in" where it occurs the second time, insert "the."

Page 1, line 15. After "Order" insert "of."

Page 1, line 16. After "Registration" insert "and shall state in each entry the number given to the document to which it relates."

Page 1, line 34. Leave out from "Currency" to "every" in Page 2, line 8.

Page 2, line 11. Leave out from "for" to "contravention" in line 12, and insert "every."

Page 2, line 12. Leave out from "requirements" to "without" in line 13.

The said Amendments, being read a second time, were agreed to.

Ordered, That Mr. *Prévost* do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments.

Mr. *Jobin*, from the Standing Committee on Contingencies, presented to the House the Fifth Report of the said Committee; which was read, as followeth: —

Your Committee beg leave to recommend, That an humble Address be presented to His Excellency the Governor General for a further advance of Ten thousand pounds towards defraying the Contingent Expenses of Your Honorable House.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to issue his Warrant in favor of *William Burns Lindsay*, Esquire, Clerk of this House, for the sum of Ten thousand pounds, on account of the Contingent Expenses of this House; and assuring His Excellency that this House will make good the same.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. MERRITT moved that the house resolve itself into Committee of the Whole on the following resolutions: —

1st. That the removal of all duties on the productions of the British Possessions in America, on precisely the same terms as between the different States composing the American Union, would materially increase their intercourse and promote their prosperity.

2nd. That the mutual interests of the United States and Canada would be promoted by extending the principles of reciprocity, now confined to ... the productions of agriculture, to manufactures, the shipping interest, and the coasting trade.

3rd. That in order to place the manufactures in Canada, which have always remained in a state of great depression, on an equal footing with the manufactures in the United States, which are in a most flourishing condition, arising in a great measure from the inequalities of the duties on the respective boundaries of the two countries, it is the opinion of this Committee that the same rates of duty should be imposed on articles manufactured in the United States when consumed in Canada, as are imposed by their Government on the like articles manufactured in Canada when consumed in the United States, and that all duties be removed on the raw material for manufacturing purposes.

Having read the resolutions, the hon. gentleman said, the course he intended to pursue respecting them was, that if they were adopted by the house, he would leave them for the consideration of the Government. If they declined further action he would, after a reasonable time, give notice for an Address to Her Majesty embodying the principles therein contained, praying that the Provincial Legislature may have the power of regulating their own trade. If rejected, he would leave it for the inhabitants of this Province to decide at a future election.⁴⁷

A short discussion here ensued with reference to the House resolving itself into committee to consider the resolutions, which was terminated by a decision against the motion.⁴⁸

MR. MERRITT then went into a history of the Reciprocity Treaty⁴⁹. A committee was appointed in 1854, and they authorized the chairman to write a circular to the Colonial Governments of all the British North American Provinces, and West Indies. The circular was to the effect, "that a committee

having been appointed to enquire into the then state of the commercial intercourse between Canada and Great Britain, the British North American possessions, the West India colonies, the United States and other foreign countries, were desirous to learn whether in the event of the productions of the island of Barbadoes being admitted into Canada free from duty, whether the Government of Barbadoes were prepared to remove the duty upon the productions of Canada by the way of the St. Lawrence on like terms immediately or within a given time, the object of the committee being to ascertain whether it was the mutual interest of the British American Colonies to establish the same freedom of commercial intercourse between them which exists between the different States of the Union." This circular was addressed to Mr. Walker, Colonial Secretary of the Government at Barbadoes. A reply was received in February, 1855, from that gentleman, stating that the Governor General of that place entered fully into the views of the committee, and would take the earliest opportunity of recommending them to the favourable consideration of the Legislature there, and of the other colonies under his Government. On the receipt of that message two resolutions were passed in Barbadoes, the House of Assembly here pledging itself to pass an Act for admitting articles being the native productions of Canada into that island, free of duty, as soon as information had reached that house that a similar Act was passed by the Legislature of Canada, to the like effect as to its native productions. The other resolution provided how a termination might be put to the commercial intercourse of the two countries.⁵⁰ By the conditions of this treaty, it was to be considered permanent, but might be dissolved by any of the countries if the Legislature of such country gave one year's notice of the withdrawal. This treaty was ratified by Great Britain.⁵¹ Now, his object in alluding to the circular and resolutions was, to shew this house that that committee only did that which they were privileged to do in making this enquiry. It had been since asserted that the committee assumed the functions of the Government, and it had been censured for the course it took, but when that enquiry was made our sister colonies were prepared for it. They received the communication favourably, but they proceeded immediately to action, and before the Legislature of this country had an opportunity, they passed a Bill, and sent home an address. To that Lord John Russell sent a despatch, giving instructions to all the Governors of the colonies of British North America to withhold their assent to Bills passed by the Legislature, if they should contain provisions either in the nature of prohibitions of the importation of articles from elsewhere, or imposing differential duties whether on articles of British, foreign or colonial production, as against similar articles produced in the colony itself, or in favor of one colony against another, of such a nature as alluded to; and from which despatch it appeared that the Secretary [sic] of State in 1855 was about establishing a retrograde movement. Now he (Mr. M.) contended that the house should remonstrate against the interference of the Home Government upon that point — (hear, hear,) — because it was founded upon an old despatch on its Journals, received from Lord Stanley in 1843. The Secretary of State ought to [sic] understand that that despatch has become obsolete, that it has not been acted upon by the Government of Great Britain since, and he could give reasons for its not being acted upon to the detriment of the interests of Canada. He (Mr. M.) had then moved for the returns to be sent down of all correspondence between the Imperial Government and His Excellency the Governor General. He would read a letter of the 24th July, 1848, from the committee of the Privy Council for Trade. This was the passage: —

"WHITEHALL.

"With reference to your letter enclosing for the consideration of this committee a copy of the despatch from the Governor General of Canada on the subject of a Bill then before the Congress of the United States for the establishment of absolute Free Trade between the Canadas and the United States, in natural productions of either country, enumerated in the Bill, I am requested by the Committee to beg of you to inform Lord Grey, that my Lords, considering the various interests in Canada, which may be affected by the measure, and that the questions involved in it bear more upon the welfare of Canada than of Great Britain, recommend it to be left entirely to the Provincial Legislature.

Signed

DENIS LEMARCHANT."

Now here was a direct contradiction to the instructions sent in 1843. Again on the 12th of March, 1851, as another case in point, it was stated in a letter from Downing street, by Lord Grey, directed to the Earl of Elgin, "I have had under my consideration the Act passed by the Legislature of Canada in their late Session, entitled 'An Act to facilitate Reciprocal Trade between the Province and the other British North American Provinces.' I have to instruct you to bring under the consideration of your Executive Council, the propriety of introducing into the Legislature an amended Bill, that no advantages in respect to f[r]eedom from import duty shall be extended to any one or more of the possessions, which are not also extended to all the others of them, or such of them as may be willing to submit to the like conditions." Now an Act was passed here in 1849, by which certain articles from the United States were exempted from duty, but⁵² in 1846 Great Britain changed her whole commercial policy, and every protection Canada had previously enjoyed in the British market, was withdrawn. Now, he would say that the moment Great Britain, bereft us of all these privileges, directly or indirectly, she committed a great mistake⁵³. It was quite apparent that the mother country had abandoned the interests of Canada in not having placed her upon the same footing as any other country; and had she the right to tell us "You shall not make your commercial arrangements with any of your sister colonies — you shall not have reciprocal trade with them, because you are not following out a theory which we adopt for Great Britain."⁵⁴ By doing so, she only added insult to injury.⁵⁵ He would admit that free trade for England if carried out would be advantageous, inasmuch as she could manufacture for less than any other country. But Canada must take off all duties upon the products of the West Indies, and admit their sugars, &c., in exchange for our goods, and Great Britain had no right to interfere. He then proceeded to show how far that interference had been prejudicial to this country. Until he saw a dispatch lately received, he thought that Great Britain had given up altogether the power of restricting our trade, after the laws passed here. But the contrary was the case, as would appear from a positive order received from the Secretary of State by all the Governors, not to assent to any Bill which did not extend the principle of reciprocity in the way proposed. The absurdity of that order was so manifest, that he was certain that neither Lord John Russell or the other noble lords understood anything about it, any more than Mr. Thompson did,⁵⁶ the great merchant in England, who took part in the matter in 1847,⁵⁷ compelling Canada to act quite against her inclination, and to put the same duty on an article from Great Britain, as upon an article from the United States. He was sure that if the evil was properly pointed out in an Address to the British Government, they would not be slow to agree to the system he wished to see brought about. It was for this reason that he had thought necessary to bring forward these resolutions. The advantages to be derived from our having reciprocity in commerce with the West Indies were very great.⁵⁸ It is a notorious fact, that at present the West Indies are supplied with articles from the Southern States that might be sent from Canada. Indeed it is evident, that our intercourse with the West Indies must cease altogether under the present system.⁵⁹ He moved an Address three years ago for a return of all duties levied in our colonies, and the result was as follows: — Newfoundland, 15s. 8¾d.; New Brunswick, 12s. ¾d.; Canada, 9s. 4d.; Nova Scotia, 7s. 8½d.; Prince Edward's Island, 7s. 2¼d. Each colony was taxing each other differently, and yet by this dispatch just mentioned, we were denied the right to reciprocal trade between ourselves. He denied the right of the Home Government to coerce this country into imposing what duties the former thought were proper, and he hoped that the house would not object to this Address passing.⁶⁰ He would turn now to the consideration of the third resolution. The House has put the United States on an equality with this country, in regard to the importation of goods; and has adopted a most liberal policy. He was very sorry to say that this country has not met with the same treatment from the United States; nor has the same liberal spirit been manifested by them that has been shown here.⁶¹ They continued to exact heavy duties upon articles from Canada, and the only way⁶² to meet this was to put the same restriction on the articles exported from the United States as has been put upon articles exported from Canada.⁶³ That principle was embodied in the whole of these resolutions.⁶⁴ It is a lamentable fact that our coasting trade has gone down very much; and the reason of this is that ship owners and others engaged in that trade, can do a great deal more business on

the other side of the lake than they can do here. And he would warn the House that in ten years, if the present system was continued, the whole of our shipping interest would go from us. This was not a new subject: reciprocity had been agitated as early as 1849. One of two policies must be adopted for Canada: either she must have reciprocity, as she wishes it; or else the same duties must be imposed on goods coming into Quebec, as are imposed at New York. He would be sorry to see the last measure resorted to; but necessity knows no law.⁶⁵ Although much had been said upon the difference between free trade and protection,⁶⁶ he thought the true principle was that of reciprocity. He only wanted to put a duty on American coarse articles manufactured in the States because we could manufacture them as cheap as Americans, but he was quite opposed to putting duties on goods coming from England of a higher class and which we could not manufacture. With these remarks, he would move the adoption of the resolution[s].⁶⁷ He did not think that there should be any opposition to this motion; a minister could vote for one or more, or none of the resolutions, just as they agreed with them.⁶⁸

DR. POULIN briefly opposed the resolutions.⁶⁹ In order to carry on the public business it will be necessary for the Government to increase the duties upon our imports. The principle of Free Trade with the United States will necessar[i]ly compel an enhanced taxation upon the products of foreign countries coming into the Province. In his opinion we should impose duties upon articles not manufactured in the United States, but which we procure there, as that country itself charges upon those things.⁷⁰

MR. INSP. GEN. CAYLEY believed that instead of obtaining an increased revenue under the system proposed by the member for Lincoln, they would derive none on the articles affected by his resolutions. In regard to reciprocity with the West Indies,⁷¹ at the present time they derive a very large revenue from sugar, a revenue which these resolutions would at once destroy and unless the hon. member for Lincoln [sic] was prepared to come down with a statement showing not only the probaleb [sic] effect of these upon the revenue, but how the deficiency caused by the abolition of the duty on sugar was to be supplied, he was not prepared to support him.⁷² In regard to the second resolution, he would go with the hon. member to the extent of extending reciprocity to the shipping interest and the coasting trade. But he could not assent to any other portion of his views. If the hon. member would confine his resolutions to the recommendation of steps being taken to enter into negotiations at Washington, with the view of securing reciprocity on the two points he had mentioned, he would have no objection to the house going into committee.⁷³ The Government would be very happy to lend the hon. member for Lincoln every assistance in this matter, but they could take no steps to carry out the general scope of the resolutions⁷⁴.

MR. J. DORION replied to some of the arguments urged by Mr. Poulin.⁷⁵ [He] had not had time to examine the question, but from what Mr. Poulin had said the resolutions were so framed as to satisfy men of all possible shades of opinion. He would go for referring the resolutions to a committee of the whole, without, however, pledging himself to support them all when there.⁷⁶

CAPT. RHODES hoped the Inspector General would not oppose the House going into committee on the resolutions because they referred to a subject of very particular interest to the extreme eastern portion of Canada. It was of considerable importance to that locality that the fisheries of that section of the country should be developed as much as possible. Any person who had resided in the West Indies and in Canada as he had, would know that there are many natural productions of those two countries exceedingly well adapted to form a trade between the two countries. By the present system of regulations there is little communication between the two countries, although it wou[ld] be exceedingly convenient to the Lower section of the Province that such a trade should be fostered, owing to the particular nature of the climate.⁷⁷ But by free trade with the West Indies, he did not understand that articles should be admitted entirely duty free. The duties might be reduced, if the West Indies also

reduced duties on articles from Canada, and there would not thus be that entire loss of revenue of which the Inspector General had spoken, and, if there should be an apparent loss of revenue, that would be compensated for by an increased revenue from our Public Works. It would also be a great advantage to furnish winter employment for our shipping, which would otherwise be lying idle.⁷⁸ In summer months the navigation is open, and during the season commerce is carried on with considerable spirit. But during the winter the profits of the summer are consumed. But by fostering a trade with the West Indies the winter season might also be profitable. The sugar crops come off in the months of January and February and from that time our vessels might be employed in a profitable manner. By a proper adjustment of the duty on sugar, they might be enabled to derive a large revenue from the trade with the West, for instead of having to pay cash for our sugar, and chocolate and other articles we could pay in fish and in timber and in other productions of the country. By opening up a winter communication with the West Indies, it would be of great advantage to the province generally, to the fisheries, and the timber trade and particularly to the shipping interest of Eastern Canada.⁷⁹ A considerable revenue might be obtained from duties imposed merely for purposes of registration.⁸⁰ Instead of opposing these resolutions the Inspector General [sic] should allow the House to go into committee [e] that they might be amended in such a way as to meet the approval of the House.⁸¹

MR. DEWITT rose to make some few remarks⁸².

MR. SICOTTE the SPEAKER left the chair as it was 6 o'clock.⁸³

[After the recess], the debate on Mr. Me[r]ritt's resolution[s] was resumed.⁸⁴

MR. DEWITT said this House and this country were under great obligations to the hon. member for Lincoln for bringing forward this measure, and for the labor he has taken on this subject. We have partial reciprocity with the United States, but it was only partial, and the object of the resolutions was to make that reciprocity mutual.⁸⁵ He regretted that the Inspector General did not admit the propriety of having reciprocity of trade with our fellow colonists, the people of New Brunswick, Nova Scotia, Jamaica, Barbadoes and other colonies.⁸⁶ The Inspector General, he believed, agreed with the resolutions in so far as they referred to what is generally termed the coasting trade. That part of the measure before the chair, he thought, would have little opposition; but he thought [t] that such reciprocity should extend to ships and shipbuilding, and whether the Inspector General would go for that or not it would not alter his (Mr. DeWitt's) opinion. While the Americans have the free use of our waters they should give us the free use of theirs, and that should extend to ship building as well. He did not understand why it was that the Imperial Government should allow us to reciprocate certain portions of our productions with the United States, and should prevent reciprocity with New Brunswick when there is only an imaginary line dividing us — and also for reciprocity with Nova Scotia and Newfoundland — forming as they did the component parts of one empire. He supposed they would represent these things in a manly, candid, and open manner to the Government in England. He would not admit that they belonged to an inferior race, we will yield to no nation in the world. They were not minors and infants but could express their opinions, and he hoped they would always do so with the utmost respect. But in regard to this question of removing the duties on sugar, tea, molasses, and coffee⁸⁷, he did not see why there should be an objection to taking the taxes off ... and thus accomplishing the double advantage of cheapening the necessities of life, and encouraging trade with subjects of the same crown. He considered the commercial policy of the Government to be founded on very incorrect principles⁸⁸. It was only necessary to say that sugar was one of the first necessities of life. Why should the poor man pay a tax of 30 or 40 or 100 per cent. upon this necessary? They could quite as well remove the duties from these articles with which they are taxing so heavily the poor man, and makes him poorer and poorer still, while the rich man is exempted. Was it possible that they as legislators were to allow such things to stand. We reciprocate with the United States in many articles, but in reference to tea they take

a different course. Tea they admit free when brought from abroad, but if brought from Canada they charge 30 per cent. The consequence is that they reserve the whole market for themselves. Will the Legislative, for the good of our Canadian Country, allow such things to pass? No they could not do it. Not only is the tea charged 30 per cent. for Canada, but when the markets in the States are supplied they come over here with their surplus and our market is glutted. In this way our merchants are hampered in their importations. But it was not in tea alone, but in most other things. There are many things they can make, axes and other things which they could make as well as any other party. At present the axes used in Canada are manufactured largely in the States, but it is well known they could be made as well in Canada. The hon. Inspector General puts 15 per cent. upon such things and 100 per cent. upon tea. He wished the Inspector General could see this matter as he (Mr. DeWitt) did, because if the duty was put upon the axes and taken off the tea, the duty is paid by our labor, but if put upon the tea and sugar it is paid by ourselves. If that is the fact why not put the duty upon lines, and twine, and harness and many other things which he could name. If the Inspector General would consent to grant a committee we could endeavor so to arrange the duty upon the different articles, that we should very likely relieve our people from the weight of the taxation that rests upon tea, sugar, coffee, and molasses because these articles go so far into the necessities and comforts of the poor and industrial classes. But he was afraid there was no use speaking. Resolutions putting a duty upon each article are brought down, and they must all go. You can't take it off any one thing. You must do just as they say.⁸⁹ The Inspector General was just as imperious as the Czar of Russia,⁹⁰ for we have no opinion of our own, the Government can carry anything through this House by their majority. He did not know why — but they did so. If these things were properly regulated so as to allow our own manufactures to be protected we would be building up ourselves, we would be building up our own people, and would go on prosperously, because he knew no country that had greater advantages than Canada. We have water-power without limit, and navigable waters throughout the entire Continent of America. Our soil and climate is very good, and were we to apportion these duties in a proper way we should build up our cities, our towns, and our villages, instead of building up those of others. He had no doubt that if they could so apportion the tariff as to give incidental protection to the articles produced or manufactured in the country, and not put them upon tea and such things, we should go on prosperously, and should raise up this country to an elevation hitherto unknown, and we should be the greatest colony in the British Empire.⁹¹ He wished the meteor flag of England and the stars and stripes of America to float in unison in every part of the world, and that the people of both countries should reciprocate not only in articles of commerce, but in sentiments of good will and brotherhood.⁹² Let us try to protect ourselves first and our neighbors ... afterwards.⁹³

MR. MERRITT said as the Inspector General was in favour of one of the principles contained in the resolution[s], he would willingly withdraw his resolutions, if the hon. gentleman would say he would take them up. He had no motive in pressing these resolutions personally in any shape. His object was to bring them under the consideration of this House, with the view to an address being founded upon them, and sent to England. The Inspector General had asked him to come down with an estimate of the amount of duties which would be lost upon sugar by the operation of these resolutions. It was impossible for any man to say what that loss would be. He was convinced that the loss would be more than made up by the tolls upon the St. Lawrence, upon the produce sent in exchange for these articles.⁹⁴ They had a large trade with Halifax in 1850. They put duties on it and had lost it all.⁹⁵

MR. INSP. GEN. CAYLEY said he had no objection to a committee to investigate and report for the purpose of addressing Her Majesty in regard to the shipping interest and the coasting trade, but he could not assent to the other points.⁹⁶

MR. HOLTON. — Would the Inspector General have any objection to refer the whole matter to a committee?⁹⁷

MR. INSP. GEN. CAYLEY. — Of course he would, because the one part is entirely in opposition to their present principle of trade.⁹⁸ [But] he would be happy to assist in anything to put the shipping and coasting trade on a more satisfactory footing.⁹⁹

MR. HOLTON said he was prepared to support the first and second resolutions. The third contained propositions, untenable in its present shape, but he thought if they were referred to a committee to report upon them, they might be made acceptable to the House.¹⁰⁰

MR. YOUNG thought these resolutions were just the things which should be dealt with by the Government of this country. If the hon. member ... would withdraw his resolutions and simply move for an address to His Excellency, leaving the whole in the hands of the Government it would be the best course, and leave with them the responsibility of taking action upon this matter. He was as strongly of opinion that the Government should — ¹⁰¹

MR. SICOTTE the SPEAKER said the order had been given to call the members, and the House had decided that after that there should be no further debate.¹⁰²

MR. YOUNG said he was absent when the resolutions were discussed, and he just wished to make a remark.¹⁰³

MR. MERRITT would withdraw his resolution[s], on the understanding that the Inspector General would deal with at least a portion of the matter.¹⁰⁴

After some remarks from MR. INSP. GEN. CAYLEY¹⁰⁵,

The resolutions were withdrawn.¹⁰⁶

MR. MACKENZIE moved for an Address to His Excellency on the subject of granting a pension from the Provincial Revenue, in aid of the widow and orphans of Robert Corrigan, who was murdered at St. Sylvester. He thought that it was the duty of this House to mark its disapprobation of this case, by granting the proposed pension; and that his Excellency ought to be addressed on the subject.¹⁰⁷ The murder of Corrigan had excited the deepest feelings from one end of the country to the other. A strong and powerful man¹⁰⁸, in the prime of health, was struck down by a band of murderers, and for nothing that he had done to offend by act or idea: but simply because he was of a different religion from his murderers. He (Mr. Mackenzie) did not stand up to sue for a pension for the widow of the unfortunate man, because he was a Protestant. He would as readily move for the address, if the victim had been a Roman Catholic or a Turk. It was because a man¹⁰⁹ was killed in the exercise of a duty imposed upon him by an act they had passed: judging of the relative value of cattle at an agricultural show. He [Robert Corrigan] expected to be protected by all the power of the British Empire. He was not protected.¹¹⁰ [He] was brutally set upon, knocked down, and tramped on so that his bowels burst, and he was murdered in the presence of¹¹¹ two or three hundred persons¹¹², and this after he had replied when complaints were made of his decision that he would give no more opinions. What was there in that to provoke such an attack.¹¹³ When taken to a neighbour's house, his words were — "I shall never pass your door again, or see my poor wife and children." He could imagine the feelings of that unfortunate man, as he thought of his children, made fatherless, and his wife a widow. And he considered they had a powerful claim on their country for a pension. And the circumstances of the trial aggravated the extraordinary character of the case.¹¹⁴ He (Mr. Mackenzie) had been cautioned on a former occasion that he must say nothing against [the] Judge; and he did not intend to say anything against ... him now. But he would say that there was a strong feeling abroad in the country and that was, that in this case, that justice was not extended which ought to be to the meanest individual. A large sum of money had been expended to no purpose, in order that justice might be done in this case. If the House is to be

deprived of the power of speaking on such cases as the present, let it be known at once. The following was the resolution that he would submit to the House: — "That an humble address be presented to the Governor General, praying his Excellency to take into his favorable consideration whether an annual allowance might not be made from the public revenue to the widow and orphans of Robert Corrigan, who was deliberately murdered in St. Sylvester, in Lowes [sic] Canada, in the day time, in the presence of many persons, and whose slayers are at large, and seemingly safe from the operation of the law."¹¹⁵ Petitions had been sent in here shewing the feeling upon this subject throughout the country. The poor wives, countrymen, and women, had recently done what they could for her at the St. Lawrence Hall.¹¹⁶ It is the duty of the House to do what it could in the matter.¹¹⁷ He (Mr. Mackenzie) had been blamed for opposing pensions in other cases. When they were moved to be given to the rich, he thought he was justified in opposing them,¹¹⁸ because he thought in a country overloaded with debt, pensions ought not to be granted to such persons.¹¹⁹ But public opinion demanded this at their hands, and he was in favour of giving a pension to a poor woman sitting by herself alone with her orphans around her, her husband murdered, and no justice done her.¹²⁰ Where was the man in the House that was not likely to fall by the hand of the assassin for his public opinions, and members ought to have compassion on the widow, and do in this case as they would be done by.¹²¹

MR. AT. GEN. DRUMMOND said that the demand made by the hon. gentleman could only be made on one of two grounds, either on the assumption that in all cases where the head of a family had been deprived of life, and when serious injury had in consequence been inflicted on his family, the Legislature was bound to intervene, and provide a pension or indemnity for the sufferers, or it was founded on the assumption that this was an exceptional case.¹²²

MR. MACKENZIE. — That's it.¹²³

MR. AT. GEN. DRUMMOND continued. — An exceptional case, in which there had been a palpable failure of justice, and an injury inflicted by the Government or through the neglect of the Government, or of some of the constituted authorities.¹²⁴ Now, he did not believe the hon. member for Haldimand would admit the correctness or possibility of the first proposition — that the Government of this or of any other country was bound to provide compensation for all who suffer from the violence of a mob.¹²⁵

Hear, hear, from MR. MACKENZIE.¹²⁶

[MR. AT. GEN. DRUMMOND continued:] Well, the hon. gentleman will, then, rest his motion on the second proposition that this is a peculiar case. Now, he would ask, was this a time to decide on the question? Was it a time to renew an argument or discussion on a question, to report on which, by the recommendation of that House, a committee had been appointed. This committee had delegated its powers to a Commission, which Commission was now sitting, and he believed the report of that committee would show¹²⁷ that if there had been any failure of justice, it had not been due to neglect on the part of the authorities, or on the part of the Executive Government, but to the imperfections of our nature¹²⁸, which is ever being exclaimed against; but which no form of Government, nor no model of administering public affairs could remedy.¹²⁹ But there was also another point from which this question might be viewed, that was the precedent it would establish. If they carried out the object of such a motion, there would be no end to the claims for indemnity with which that House would be flooded. Such a proposition had not, he believed, been ever admitted by any Legislature in the world. In conclusion, he trusted the motion would not be sustained by the House.¹³⁰

MR. O'FARRELL said there was a petition before the house from some of the most respectable inhabitants of the city of Ottawa, complaining that the murderers of Dennis Tierney had not been

arrested, and he had reason to believe that a greater degree of cruelty and brutality had been displayed in the murder of Tierney than in that of Corrigan.¹³¹ In that case those accused of the murder were still at large. Magistrates had refused to do their duty, and the Coroners had misdirected the jury who served under them.¹³² He was willing to give a pension in the one case, if it was granted in the other.¹³³ He begged to move in amendment that after the words "Lower Canada" in the original motion, the following be inserted, "and also to the widow and orphans of the late Dennis Tierney, who was deliberately murdered at Nepean in Upper Canada."¹³⁴

A point of order was raised.¹³⁵

MR. AT. GEN. J.A. MACDONALD ... and MR. CHABOT strongly opposed the motion¹³⁶.

MR. MACKENZIE, in reply to the Attorney General [Mr. Drummond], said that no precedent would be established by voting a pension in this case. The widow of Mr. Antrobus had been voted a pension of £200. But that was not saying that they would give the same to all widows. And although a man who measured ashes in Montreal got a pension of \$1600,¹³⁷ that was not to say that every man who measured ashes was to get a pension: a hale and full fed clerk got a \$1600 pension, but all clerks had not.¹³⁸ Each case must be judged of on its own merits, and this was a clamant one, where a man in the noon-tide of his life had been murdered in circumstances that were a disgrace to the country, and his murderers had altogether escaped justice. The Attorney General said a commission had been issued. But who were the commission? He knew nothing about them.¹³⁹

MR. AT. GEN. J.A. MACDONALD. — The Committee reported in favour of the appointment of a Commission.¹⁴⁰

MR. MACKENZIE. — And these Committees, appointed by the House, were rare and curious things, as they saw by the Committee appointed in the case of the Attorney-General West and his hon. friend from Lambton. With regard to Denis Tierney's case, that had never been adjudged upon by the Courts, and no authentic statement of it had ever come before the public. It was very different with the Corrigan case, which had been before a judge and jury, and the whole facts of which were before them.¹⁴¹ Mr. Mackenzie [then] amended his motion by striking out the word "favorable."¹⁴²

The amendment and main motion were then put, and severally lost, without a vote being taken.¹⁴³

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Mr. *Mackenzie* moved, seconded by Mr. *Gould*, and the Question being proposed, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to take into his consideration whether an annual allowance might not be made from the Public Revenue, to the widow and orphans of *Robert Corrigan*, who was deliberately murdered at *St. Sylvester, Lower Canada*, in the day time, in presence of many persons, and whose slayers are at large and seemingly safe from the operation of the Laws;

Mr. *O'Farrell* moved in amendment to the Question, seconded by Mr. *Thomas Fortier*, That after the word "*Canada*" the words "and to the widow and orphans of *Denis Tiernay*, who was basely murdered at *Nepean*, in *Upper Canada*" be inserted;

And the Question being put, That those words be there inserted; the House divided: — And it passed in the Negative.

Then the main Question being put, the House divided: — And it passed in the Negative.¹⁴⁴

MR. MACKENZIE in introducing his resolution for an address to the Queen for an amnesty to William Smith O'Brien and John Frost, and their restoration to their country said he had not asked any hon. gentleman to second him.¹⁴⁵

MR. BOWES. — I will second the resolution.¹⁴⁶

MR. MACKENZIE, then submitted the following motion — That the House will to-morrow resolve itself into a Committee, to take into consideration the following resolution: — “That an humble address be presented to Her Majesty to grant to Messrs. William Smith O’Brien, formerly member of the Imperial Parliament, and John Frost, formerly Mayor of Newport, in Wales, the former of whom was convicted of being concerned in the Insurrection in Ireland, in 1848, and the latter of being connected with certain civil commotions nine years before, in Wales, Her Majesty’s most gracious amnesty and forgiveness, and to restore them to their country and to their families, from whom they have been separated during a long period of exile, privation, and severe suffering. That, blessed as the British Empire is with peace and tranquility at home and abroad, this House would fain hope the time has come in which an amnesty for past political offences in Ireland and Wales can be safely granted by the Crown.” In supporting this motion, the hon. member for Haldimand stated that he was most anxious that the illustrious exile, William Smith O’Brien should receive such an assurance of the sympathy of that House, as would show the British Government that although living in a distant part of Her Majesty’s dominions, we still take a deep interest in that patriot’s welfare. He would not say he liked that gentleman because he was an Orangeman, but he liked him because he was an honest, straightforward, kindly man, (hear, hear.)¹⁴⁷ And he was not a violent man in his language, as was evident from that used by him upon a certain occasion in Van Diemen’s Land, when he spoke in the most kind manner of those who had punished him, and in the most respectful terms of her Majesty. All men were liable to go wrong; and here we found the case of a member of Parliament brought down to the most abject position, merely because he had tried to do what he could for his fellow-creatures.¹⁴⁸ If that noble patriot had been mistaken, and received the censure of Her Majesty’s Government — it was a great and glorious cause; he sought the regeneration of his nat[i]ve land. And was it not time that House should give expression to its sympathy with the sufferings which had terminated his well-intended movement, and its desire that those sufferings should be put an end to, and that he should once more be allowed to re-visit his island home. (Hear, hear.) If Louis Napoleon — the despotic ruler of France, was found generous enough on a recent occasion to grant an amnesty to his political foes, and recall the exiles home again — would it be said that our own beloved Queen, could refuse thus to exert her royal prerogative, and graciously permit the banished ones to revisit the places of their nativity? Will any person venture to assert that this privilege would be denied to the descendant of the Princes of Ireland? But he thought Mr. O’Brien was entitled to the sympathy of the House for another reason, and that was, that¹⁴⁹ he was always for liberal measures and reform, and¹⁵⁰ in the Imperial Parliament, William Smith O’Brien was always the friend of the civil rights of Canadians — his name was always found recorded on the side of Canada. (Hear, hear.) The feeling of gratitude alone ought, therefore, to induce them to give expression to their sympathy.¹⁵¹ Had not Quebec memorialized this Legislature to interfere in the matter — and had not the Mayor of that city asked the same? Petitions had come from all parts to seek its interference on behalf of these gentlemen, and 150 members of Parliament in England had memorialized Lord Palmdrston [sic] for their pardon. The hon. gentleman then alluded to the circumstances of their conviction, and the difficulty that existed with the Court in getting a verdict upon Frost’s case.¹⁵² Mr. Frost, was formerly Mayor of Newport, Wales; and was tried and convicted of taking part in civil disturbances in 1840. His recall had been petitioned for from almost every county in England. He was now an old man,¹⁵³ between seventy and eighty years of age; and surely, with his white locks of hair, the English Government need not be afraid of allowing him to return to see his wife, children, and grandchildren. If they thought that there was any great danger in doing so, the Government must be in a very weak state there. The British residents in New York had, at a meeting at the Astor House, adopted a petition to the Home Government for his release — he being present at the meeting. From what he had heard, he was a very excellent man¹⁵⁴, a man of great firmness and integrity of purpose. If he erred, it was from an excess of zeal for the welfare of the English people.¹⁵⁵ He had a letter from him the other day, most cordial in its terms, — but in order to save time, he would not read it. He would conclude by putting his motion into the Speaker’s hands.¹⁵⁶

MR. SICOTTE the SPEAKER read the Motion¹⁵⁷.

MR. AT. GEN. DRUMMOND: No man can sympathize more than myself with the sufferings of a man of noble birth, (hear! hear!) whose education is of a distinguished quality,¹⁵⁸ and with a heart overflowing with kindly and patriotic feelings — [who] should have allowed himself to be carried away, without the slightest hope of success, into an attempt at rebellion.¹⁵⁹ Nobody can wish more than I do to see him restored to his family, friends and country; because I believe that if he was allowed to return he would become a good citizen, and never raise the standard of rebellion again, and in that country where wise laws have restored peace and prosperity, which agitation failed to accomplish. Notwithstanding all that, I will vote against this Motion. I am prepared to sign any petition that may be drawn up to be laid at the feet of Her Most Gracious Majesty, to restore Mr. O'Brien to his home and family; but I believe it is highly inexpedient for us to interfere in these matters. I do not think that the Legislature of Canada should pronounce any opinion upon the subject, or should take upon itself to remonstrate with the British Government as to what course should be pursued in this or any other matter. We are proud and jealous of *our* privileges, and we should not like a remonstrance to be sent by the House of Commons, or either branch of the Legislature in England, to us with regard to any of our proceedings, and upon that ground, and that alone, I oppose this motion. I think Mr. Smith O'Brien has been amply punished, and beyond what he should have been, although nobody in this country regretted more than I did the course that he pursued; but I believe he is a man of strong impulse, and was consequently, as all such men are, easily led away; yet I trust that I shall find a majority of this house voting against the motion.¹⁶⁰

MR. BOWES rose to say, that in seconding the motion of the hon. member for Haldimand, he did not [do] so merely as a matter of form, but because he deeply sympathised with his noble, though misguided fellow-countryman, William Smith O'Brien.¹⁶¹ [And he did so] with the expectation that it would be supported unanimously by the house. (Hear, hear.) And that in compliment to the numerous signed petitions presented to the house for the recall of these gentlemen, that the Government of this country would not have objected to it; and he trusted that it was only the opinion of the Attorney General for Lower Canada, and not of all the hon. members of the Government, that had been delivered.¹⁶² It had been admitted in that House that the Emperor of France had granted an amnesty to many political offenders, of that country, in consequence of the great triumph of the restoration of peace, which had just been achieved by the Allied armies; surely, then, it was not asking too much of her Most Gracious Majesty, to grant a pardon to those offenders against her government, who had been already sufficiently punished — as had been remarked by that hon. Attorney General East. He trusted that House would adopt an address, praying for the recall of both parties. Even in that House, they had a practical proof of the benefits of extending an amnesty to political offenders. He sincerely trusted the House would support the hon. member for Haldimand's resolution. He should most cheerfully vote for it.¹⁶³

MR. TURCOTTE opposed the motion for two reasons, which he would simply state without extending argument thereupon. It would establish a pernicious precedent, and would moreover be an unwarranted interference with the royal prerogative and the privileges of the British Parliament.¹⁶⁴

MR. O'FARRELL said there was no harm in it. The other parties who were transported at the same time as they, had managed to elude the vigilance of their overseers in the penal colony and escaped, while Smith O'Brien did not break his *parole*, and now was placed in no better position than those who had done so. This was grossly unjust. The general feeling of the people here, and elsewhere was, that an amnesty should be granted, and he hoped that no nice views of constitutional law would govern hon. members in this house. On the occasion of peace, if upon no other, even despotic nations pardoned political offenders, and this was a case for extending pardon equal to any in which it had ever been.¹⁶⁵

MR. ROBINSON could not see how that House was called on to petition for the recall of Mr. O'Brien, when that gentleman himself refused to ask the Imperial Government for his release. If he chose to ask leave to return, he would, in all probability, be allowed to do so.¹⁶⁶ These parties were quite at liberty to go where they pleased, with the exception of going to England, and he did not concur in the interference of this Legislature.¹⁶⁷

MR. FOLEY could not see upon what principle it was that a motion of this kind should be resisted by the Government.¹⁶⁸ [He] could not agree with the hon. Attorney General East that by presenting such a petition they either remonstrated with the Imperial Government or censured the policy of that government. (Hear, hear.)¹⁶⁹ It was the wish of their constituents that they should ... address the Queen on this matter..., and much indignation was felt with the late government for taking the same course [as the present Government].¹⁷⁰ If the people of England saw reason for extending clemency, the people of this country might be expected to do the same. The universal impression was that they had been sufficiently punished.¹⁷¹ [He] would therefore support the motion of the hon. member for Haldimand.¹⁷²

MR. BROWN agreed with the previous speaker, that the gentlemen referred to had been sufficiently punished for the offences they had committed, and¹⁷³ that it was full time that they were allowed by the British Government to return to their homes, but yet he could not agree with his hon. friend from Waterloo that they should pass this Address. As an individual he would have had no objections to sign a petition for the extension of a full pardon to Messrs. O'Brien and Frost — but it was a very different thing for the Canadian Legislature to interfere in such a matter. The parties in question had been set at large — they were free to go where they liked except to Great Britain; and it was said they had only to ask the liberty of returning to obtain it at once. What reasons the Imperial Government might have for refusing a full pardon the house did not know, but this appeared certain, that with the strong influence of popular opinion in England, and the great strength of the liberal party in the House of Commons, it was quite impossible that Frost and O'Brien could be left unpardoned unless sound reasons existed for it. The people of England were always sensitively alive to anything like hardship or oppression, and if roused upon such a question no Government could resist the pressure. Without being perfectly well aware, therefore of the grounds taken by the Government and people in England, he (Mr. Brown) conceived it would be very wrong for this Legislature to in[ter]fere, and express its opinion that the Imperial Government were acting wrong, and should take a different course from what they did. If these parties were Martyrs for some great principle which commanded admiration — if they were prepared to condemn the course taken by the English Government — or if they were convinced that Messrs. O'Brien and Frost were not guilty of the crimes of which they were convicted, then, indeed, might the house, with some propriety, go out of its way to pass this address. But there was no such plea put forward in this case. It was with feelings of reluctance that he would vote against this motion, but under all the circumstances he felt compelled to do so.¹⁷⁴

MR. STEVENSON thought that the house would place itself in a very ridiculous position if this address were to be carried, for these parties were not prisoners at this moment.¹⁷⁵ They were living where and how they pleased, and¹⁷⁶ he believed that had they asked it they could have obtained a free pardon, but there was nothing to excite the sympathy of this country. He would vote against the motion.¹⁷⁷

MR. MACKENZIE remarked that the hon. member for Lambton had made a parade of his feelings of sympathy with the exiles, but notwithstanding all his sympathy he could not be induced to vote for an address praying their recall. Now he (Mr. Mackenzie) expected very little real sympathy from that hon. gentleman in this or any other matter. He remembered too well the way that hon. gentleman pounced upon him when in exile, and would have kept him there if he could. He remembered

too well that through his organ, the *Globe*, that hon. gentleman said — Never let Mackenzie come back. If you allow him to return he will ruin your credit.¹⁷⁸ He [Mr. Brown] was always very harsh on any poor people that happened to get into the wrong box.¹⁷⁹ But that hon. gentleman failed then, as he hoped he would fail now. He would say too, that if the hon. member for Lambton or any other hon. member in that House never did anything worse than vote for the return to their homes of two of the most noble and kind-hearted men — their political career would be a proud one indeed.¹⁸⁰

MR. BROWN replied that the hon. member for Haldiman[d] was altogether mistaken when he supposed for a moment that he (Mr. Brown) ever opposed the hon. gentleman's return to this country. He never did so. He would also say that he thought it was exceedingly unparliamentary for an hon. gentleman to stand up [and] accuse, any member of that House, with what he had written in a newspaper, more especially when the hon. gentleman making the charge, was himself connected with the Press. He (Mr. Brown) never either spoke or wrote anything against the hon. member's return. But, on the contrary, had always been desirous to see him come back; because it was a very dangerous thing to make a martyr of any body.¹⁸¹

MR. DEWITT hoped the resolution would pass. Were these men said to suffer for ever? Was there no mercy to be found for them?¹⁸²

After some further discussion,¹⁸³ the House ... divided on the motion¹⁸⁴.

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Mr. *Mackenzie* moved, seconded by Mr. *Bowes*, and the Question being put, That this House will, To-morrow, resolve itself into a Committee to take into consideration the following Resolution: That an humble Address be presented to Her Majesty, to grant to Messieurs *William Smith O'Brien*, formerly Member of the Imperial Parliament, and *John Frost*, formerly Mayor of *Newport*, in *Wales*, the former of whom was convicted of being concerned in the Insurrection in *Ireland*, in 1848, and the latter of being connected with certain Civil Commotions nine years before, in *Wales*, Her Majesty's most gracious amnesty and forgiveness, and to restore them to their country and to their families, from whom they have been separated during a long period of exile, privation, and severe suffering: That blessed as the *British Empire* is with peace and tranquillity at home and abroad, this House would fain hope that the time has come in which an amnesty for past political offences in *Ireland* and *Wales* can be safely granted by the Crown; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins*, *Bourassa*, *Bowes*, *Bureau*, *Casault*, *Charles Daoust*, *Darche*, *Desaulniers*, *DeWitt*, *Jean B.E. Dorion*, *Dufresne*, *Evanturel*, *Ferrie*, *Foley*, *Fournier*, *Frazer*, *Gill*, *Gould*, *Gutvremont*, *Holton*, *Huot*, *Jobin*, *Mackenzie*, *McCann*, *Marchildon*, *Matheson*, *O'Farrell*, *Papin*, *Patrick*, *Pouliot*, *Prévost*, *Rolph*, *Sanborn*, *Scatcherd*, *Supple*, *Taché*, *Thibaudeau*, *Valois*, *Wright*, and *Young*. — (40.)

NAYS.

Messieurs *Bell*, *Biggar*, *Brodeur*, *Brown*, *Cartier*, *Cauchon*, *Cayley*, *Chapais*, *Chisholm*, *Church*, *Conger*, *Dionne*, *Dostaler*, Attorney General *Drummond*, *Felton*, *Thomas Fortier*, *Octave C. Fortier*, *Gamble*, *Laporte*, *Larwill*, *LeBoutillier*, *Lemieux*, *Lumsden*, *Macbeth*, Attorney General *Macdonald*, *Joseph C. Morrison*, *Angus Morrison*, *Poulin*, *Powell*, *Robinson*, Solicitor General *Ross*, *James Ross*, *Somerville*, *Spence*, *Stevenson*, *Terrill*, *Turcotte*, and *Yeilding*. — (38.)

So it was resolved in the Affirmative.¹⁸⁵

On motion of the Honorable Mr. *Cayley*, seconded by the Honorable Mr. Attorney General *Macdonald*,

Resolved, That this House will, To-morrow, resolve itself into a Committee of the whole House to consider of a Resolution to impose an additional Excise Duty on the manufacture of Whiskey.

On motion of Mr. Solicitor General *Ross*, seconded by the Honorable Mr. *Cartier*,
Resolved, That this House will, To-morrow, resolve itself into a Committee of the whole House to take into consideration certain Resolutions relating to the Agricultural Societies in *Lower Canada*.

On motion of the Honorable Mr. Attorney General *Drummond*, seconded by the Honorable Mr. *Cayley*,

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Resolved, That this House will, To-morrow, resolve itself into a Committee of the whole House to take into consideration certain Resolutions relative to a new division of the Judicial Districts in *Lower Canada*, and to the construction of Court Houses and Gaols in the same.

On motion of Mr. *Casault*, seconded by Mr. *Evanturel*,

Resolved, That this House will, To-morrow, resolve itself into a Committee of the whole House to take into consideration certain Resolutions relative to Pilots and Pilotage for and below the Harbour of *Quebec*.

Ordered, That Mr. *Pouliot* have leave to bring in a Bill to amend the *Lower Canada* Municipal and Road Act of 1855.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. *Sanborn*, seconded by Mr. *Somerville*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, the Returns made to the Board of Audit of such Educational Institutions as receive public aid, and are required to make Returns before the 15th January of each year, shewing the composition of the governing body, the number of Professors, Teachers, and Lecturers, the number of Scholars taught, distinguishing those under sixteen and those above sixteen years, the general course of instruction, and the annual cost of maintaining such Institution, and the sources from which the means are derived.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. *Antoine Aimé Dorion*, seconded by Mr. *Papin*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a copy of the Presentment made by the Grand Jury to the Court of Queen's Bench at its last sitting in *Montreal*, in the month of March last.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, copies of all Correspondence and Communications which may have passed between the *Montreal* Bar, or the Members thereof, and the Government, on the subject of the appointment of a Judge of the Superior Court for *Lower Canada*, in lieu of the late Judge *Vanfelson*, who died on the 16th February last.

Ordered, That the said Addresses be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. *Jean Baptiste Eric Dorion*, seconded by Mr. *Papin*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Statement giving the names of all the Public Officers who have received remuneration for removal of themselves, their families and furniture, from *Quebec* to *Toronto*, with the total amount paid to each individual; shewing, also, the rejected claims, the names of the parties preferring them, the amounts, the reason why such claims have been rejected, together with the whole Correspondence relative to the same, between any branch of the Government and individuals; and shewing, also, the cost to the Government for new furniture, carpeting, curtains, &c., furnished to each Department of the Government, since the late removal to *Toronto*, specifying each room, the name of the occupant, the articles, and the cost or valuation of the same, supplied since the removal to *Toronto*; also the names of

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all Public Officers to whom an advance of two months' salary has been made on the occasion of removing from *Quebec* to *Toronto*, and the amount so advanced to each of them, with the date such advance was paid.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Mr. *Jean Baptiste Eric Dorion* moved, seconded by Mr. *Papin*, and the Question being proposed, 1. That in 1822¹⁸⁶, *W.B. Felton* was appointed Government Agent in *Lower Canada*, for the settlement of the Crown Lands in the Townships of *Stoke*, *Hatley*, *Orford*, and *Eaton*: 2. That at various periods, and particularly in 1834 and 1835, serious complaints were brought before the House of Assembly of *Lower Canada* relative to the conduct of the said *W.B. Felton*: 3. That on the 2nd March, 1835, the House of Assembly gave an instruction to the Standing Committee on Grievances, to investigate the said complaints, and to report thereon: 4. That on the 8th January, 1836, the said Committee made a Report in which they set forth all the misconduct of Mr. *Felton* in his office, and, among other matters, declared as follows: "Mr. *Felton* thus knowingly, and Your Committee must add, fraudulently, exacted and received a grant of 10,000 acres more than it was intended to convey to him, and he retains it to this day:" 5. That in June, 1836, two members of Mr. *Felton's* family gave up to the Government 2,402 acres of those lands, acknowledging the inefficacy of the Patents in their favor: 6. That in 1842, actions were instituted against other members of the said family, on behalf of the Crown, for the recovery of the remainder of the said lands: 7. That on the 30th December, in the same year, the Government obtained a confession of Judgment in its favor, as to 1120 acres of the said land, the said quantity forming, with that surrendered in 1836, a total of 3522 acres: 8. That no judgment has been rendered by the Court relative to the recovery of the remainder of the said lands: 9. That in 1853, *W.L.P. Felton* sold to a person named *Abercrombie* the 3522 acres above mentioned, as also 1182 acres of those lands, concerning which the Court had not given judgment: 10. That in 1854, the same lands were seized by the Sheriff of the District of *St. Francis*, as being the property of the said *Abercrombie*, and advertised to be sold: 11. That on opposition made by the Government the sale of these lands by the Sheriff was stayed: 12. That the said *Abercrombie* and *W.L.P. Felton* sold the said lands sometime subsequently to a person of the name of *Nagle*: 13. That the facts above stated are set forth in the Journals of the House, and in the archives of the Court and the Registry Office at *Sherbrooke*: 14. That the Government still remains dispossessed of the said 10,000 acres of land: 15. That in order to institute an inquiry, and for the purpose of recovering possession of the said lands, and for the protection of the public domain, the House of Assembly voted an Address to His Excellency on the 7th March, 1855, praying for copies of the documents required to establish the above facts, and to serve as the basis of its proceedings: 16. That thirteen months have now elapsed since the said Address was voted by this House, and no return has been received thereto: 17. That His Excellency's advisers have been wanting in their duty to the Representatives of the People, in not having advised His Excellency to cause the information prayed for by the said Address to be laid before this House, and in thus neglecting to provide for the protection of public property;

And a Debate arising thereupon;

MR. AT. GEN. DRUMMOND said that these resolutions contained a very heavy censure on the Government, but he hoped to be able to convince the House that the Government were not open to that censure. Immediately after the address was passed, requiring the papers, orders were given to have them prepared. But perhaps he was himself somewhat to be blamed, because he accepted a suggestion made by the member for Drummond (Mr. Dorion) that only a certain portion of the records in Court relative to this matter might be furnished, and he (the Attorney General) agreed that this should be done, for the sake of economy, and in order to expedite the matter. He heard no more of it until he heard from the Provincial Secretary that the member for Richmond (Mr. Felton) who had a deep interest in the case, had remonstrated against a portion of the documents being sent down and not the whole. The delay was thus more attributable to the member for Drummond than to the Government, as after hearing the explanations of the member for Richmond, he (Mr. Drummond) was satisfied that justice would not be done to the parties, unless all the papers were brought down. As his hon. friend

wished to enter into a full explanation of the matter, he would move that the debate be adjourned till Monday next.¹⁸⁷

MR. J. DORION dit que le procureur-général s'était trompé dans sa relation des faits liés à cette affaire et que quoiqu'il ne voulait pas s'opposer à l'ajournement de la question jusqu'à lundi, vu qu'il était très tard, il lui était impossible de laisser passer sous silence la déclaration de M. Drummond. L'adresse en question avait été votée le 7 mars 1855 et deux ou trois jours après le protonotaire de Sherbrooke était venu lui représenter qu'il y avait une masse de papier[s] dans son bureau relativement à cette affaire et que s'il fallait produire tous ces papiers, cela entraînerait du délai et beaucoup de dépenses; que plusieurs documents étaient semblables et qu'une copie de chaque suffirait peut-être; que le secrétaire provincial avait traversé la chambre pendant la séance, le même soir pour lui demander de ne pas exiger tous les papiers du greffe de Sherbrooke [sic]. Il avait répondu que tout ce qu'il désirait, c'était de savoir dans quel état se trouvait actuellement la véritable position des diverses tentatives faites pour recouvrer ces terres, devant le tribunal de Sherbrooke. Ayant été invité par le secrétaire provincial à préparer un mémoire des papiers nécessaires, il l'avait préparé à la hâte et envoyé de suite à M. Drummond le même soir. On devait voir par là que ce n'était pas lui qui était intervenu en aucune manière pour retarder la production des papiers, mais qu'au contraire c'était le gouvernement qui l'avait engagé à faire cette demande. En plusieurs occasions, pendant la dernière session, il avait demandé au gouvernement si la réponse à l'adresse de la chambre serait bientôt prête; on lui avait toujours répondu qu'elle le serait sous peu de jours. Quoique tous les papiers de Sherbrooke fussent rendus au bureau du secrétaire provincial le 30 de mars 1855 et que la chambre siègeât jusqu'au 31 mai, la réponse ne vint point. Dès les premiers jours de cette session il demanda encore si la réponse viendrait bientôt. On lui répondit encore dans deux ou trois jours [sic]. Il répéta sa question quinze jours après, même réponse, puis une troisième fois. Finalement, il s'était cru justifiable [sic] de faire cette proposition afin de forcer le gouvernement à agir dans cette affaire. Ce qui devait établir encore plus fortement que c'était le gouvernement qui était coupable de ce délai, c'est que son avis de motion fut déposé sur la table le 8 avril courant¹⁸⁸ et que ce ne fut que le 9, le lendemain, que le député de Richmond écrivit au gouvernement pour se plaindre de ce qu'une partie seulement des papiers avait été préparée pour être mis[e] devant la chambre. Ce fait seul suffisait pour établir que le gouvernement et le député de Richmond, M. Felton, s'étaient fort peu occupé de se rendre au désir de la chambre et que malgré les demandes réitérées faites en chambre, aucun d'eux ne fit un pas pour faire avancer l'affaire. Il était donc injuste de dire que M. Dorion avait retardé les procédés. Il n'entrerait pas actuellement dans le mérite de la question car il ne s'opposait pas à l'ajournement de la question.¹⁸⁹

MR. PROV. SEC. CARTIER déclara qu'il avait en effet demandé à M. Dorion de ne pas insister sur la production de tous les papiers à la réquisition du protonotaire de Sherbro[o]ke et qu'il lui avait recommandé d'envoyer un mémoire à M. Drummond, mais qu'il ne connaissait pas lui-même la nature des documents.¹⁹⁰ The hon. member for Wolf[e] [Mr. Felton] had complained that if all the papers were not furnished his case would be prejudiced. They had been written for, and would be had in a day or so.¹⁹¹

MR. AT. GEN. DRUMMOND said that the papers insisted on by Mr. Felton were copies of the Declaration and of the Letters Patent; and if the member for Drummond would withdraw his motion, the Government would promise to have the papers down, probably to-morrow.¹⁹²

MR. FELTON. — It was altogether the fault of the hon. member for Arthabaska that they had not been furnished. He [Mr. J. Dorion] had specified the documents he wanted, and which would be favorable to his case, but which would be very prejudicial to his own (Felton's.) If he had asked for a fair selection of the papers in one case as a fair specimen of the rest, much expense and time would have been saved. He [Mr. Felton] would not go into the merits of the case, but he objected to the House committing itself to the affirmation of resolutions which asserted much that was incorrect.¹⁹³

MR. J. DORION ... [refused] to withdraw his motion.¹⁹⁴

The motion of the Attorney-General for adjourning the debate till Monday, was agreed to.¹⁹⁵

- (392) On motion of the Honorable Mr. Attorney General *Drummond*, seconded by the Honorable Mr. *Cartier*,
Ordered, That the Debate be adjourned until Monday next.
- (393) On motion of Mr. *Brown*, seconded by Mr. *Aikins*,
Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, — 1st. Letter of the Provincial Secretary, dated 29th August, 1848, to Mr. *George Brown*, Secretary of the Penitentiary Commission, (in reply to his of the 29th July,) communicating approval of the Governor General in Council of the course the Commissioners intended to pursue in conducting their inquiries. 2nd. Letter of the Secretary of the Penitentiary Commission to the Provincial Secretary, dated 28th January, 1849, replying to certain statements made by the Honorable *John A. Macdonald* in the House of Assembly, in regard to the proceedings of the Commissioners. 3rd. Letters of Mr. *James Hopkirk* to the Provincial Secretary, complaining of the dismissal of Keeper *Hugh Manuel* as an officer of the Penitentiary, and demanding inquiry: Affidavit of said *Manuel* accompanying said Letter: Letter of Mr. *George Brown* in reply to the foregoing: Letter of the Provincial Secretary to Mr. *Hopkirk*, informing him that the Inspectors had satisfactorily explained the dismissal of *Manuel*. 4th. Letters of Mr. *Henry Smith*, senior, to the Provincial Secretary, between April, 1849, and April, 1850, complaining of the manner in which the Commissioners had conducted their inquiry into his conduct, and stating in deta[i]l his allegations against the Commissioners and their proceedings: Minute of Executive Council of February, 1850, calling on Mr. *Smith* to close his case against the Commissioners without delay: Minute of Executive Council of April, 1850, deciding on Mr. *Smith's* complaints, approving of the proceedings of the Commissioners, and inviting them to aid in the preparation of a Bill for the better management of the Penitentiary: Letter to Mr. *George Brown*, by order of the Governor General, dated April, 1850, approving of the proceedings of the Commission. 5th. Copy of the application to the Government with the signatures attached to it, in consequence of which *Hugh Cameron*, a Convict in the Penitentiary, was pardoned before the expiration of his sentence; also, the date when said Convict was ordered to be discharged. 6th. The same in regard to Convict *A.B. DeBlois*. 7th. The same in regard to Convict *James Henesey*.
Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.
- On motion of Mr. *Holton*, seconded by Mr. *Papin*,
Ordered, That the Orders of the day be now read.

[On motion of] MR. DUFRESNE¹⁹⁶,

- (393) A Bill to amend the Act of Incorporation of the *L'Assomption* River and Railway Company, was, according to Order, read the third time.
Resolved, That the Bill do pass.
Ordered, That Mr. *Dufresne* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. A. DORION¹⁹⁷,

- (393) A Bill to amend the Act 16 Vic. cap. 174, intituled, "An Act to permit of Disinterments in certain cases, and for other purposes therein mentioned," was, according to Order, read the third time.
Resolved, That the Bill do pass, and the Title be, "An Act to amend the Act authorizing Disinterments in certain cases in *Lower Canada*."
Ordered, That Mr. *Antoine Aimé Dorion* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. FOLEY¹⁹⁸,

(393-394)

A Bill to naturalize *Hervey Killam*, of the Township of *Townsend*, in the County of *Norfolk*, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to naturalize *Hervey Killam*."

Ordered, That Mr. *Foley* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. SOL. GEN. H. SMITH¹⁹⁹,

(394)

A Bill to amend the Act to provide for the formation of Incorporated Joint Stock Companies for manufacturing, mining, mechanical, or chemical purposes, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Solicitor General *Smith* do carry the Bill to the Legislative Council, and desire their concurrence.

Then, on motion of Mr. *Chisholm*, seconded by the Honorable Mr. Attorney General *Drummond*,

The House adjourned.²⁰⁰

Appendix

[NOTICE OF MOTION FOR A COMMITTEE RE: PETITIONS FOR AN ELECTIVE LEGISLATIVE COUNCIL, AND ELECTIVE GOVERNOR GENERAL.]

MR. J. DORION [gave notice that he would move] — That the Petitions of *H. Allard*, and others, of the County of Drummond; of *Pierre Viger*, and others, of the County of Chambly; of *F.X.* [sic] *Perrault* and others, of the County of Hochelaga, and of *Thomas Caldwell*, and others, of the County of St. John's, setting forth that in order to secure the liberties of Canada, it is desirable to render the several branches of the Government directly responsible to the people of the Country; praying also for an elective Governor, and for the reduction of the present salary of the Governor, — be referred to a select Committee with instructions to consider whether it would not be expedient to present an Address to Her Majesty, praying that the Union Act may be so amended as to give to the Legislature of Canada the entire control of the public funds, and to render the office of Governor elective by the people of Canada.²⁰¹

[QUESTIONS AND ANSWERS RE: BEAUHARNOIS CANAL.]

DR. MASSON enquired of the Ministry, whether it is their intention to cause to be ascertained and established the damages incurred by the Honorable Edward Ellice, by the losses of lands both in the Seigniorship of Beauharnois and in the Parish of St. Anicet de Godmanchester, which have been submerged by the waters of Lake St. Francis since the construction of the dam at the head of the Beauharnois Canal in 1851?²⁰²

MR. COM. PUB. WORKS LEMIEUX. — It is the intention of the Government to do so, but not at present.²⁰³

DR. MASSON would again enquire of the Ministry, whether it is their intention to make any appropriation for the final payment of the damages suffered by the inhabitants of the County of Soulanges since the swelling of the waters of the Coteau and Cedar Rapids, caused by the erection of piers or dams at the head of the Beauharnois Canal, whose claims have been investigated by A. Larue, Esquire, the Commissioner appointed for that purpose.²⁰⁴

MR. COM. PUB. WORKS LEMIEUX. — The Government intend to ask the House to grant an appropriation for that purpose.²⁰⁵

[QUESTION AND ANSWER RE: ADMINISTRATION OF JUSTICE IN LOWER CANADA.]

MR. LEBOUTILLIER enquired of the Ministry, whether it is their intention in view of the interest of the actual population of the Magdalen Islands, the trade carried on there periodically, by a fleet of foreign vessels, and others, as well as their isolated position, forty leagues from Perce, the "*chef lieu*" of the County of Gaspé, to erect those Islands into a separate and distinct Judiciary District.²⁰⁶

MR. AT. GEN. DRUMMOND replied that the government had the matter under consideration.²⁰⁷

[QUESTION AND ANSWER RE: FEES OF THE CLERKS OF THE PEACE AND CONSTABLES.]

MR. TERRILL enquired of the Ministry, whether it is the[ir] intention during the present session of Parliament, to make such amendments to the laws relative to the administration of Criminal Justice, as will insure the payment of such fees and reasonable disbursements as may become due to Clerks and Constables employed by the local Magistrates in the remote country parts, in the execution and service of criminal process, and the necessary preliminary investigations therewith connected.²⁰⁸

MR. AT. GEN. DRUMMOND replied that it was the intention of the government to introduce a short bill on the subject.²⁰⁹

[QUESTION AND ANSWER RE: COMPENSATION CLAIM OF CHARLES TAYLOR AND CHARLES O'CONNOR.]

MR. FELTON enquired of the Ministry, whether it is the intention of the Government to make any and what provision for remunerating the pecuniary losses suffered by Charles Taylor and Charles O'Connor, in consequence of the very serious personal injuries inflicted upon them while engaged in the discharge of their duty as constables, in the execution of the process of the Court of Queen's Bench for Lower Canada, on the occasion of the riots on the railroad line, in the township of Barnston.²¹⁰

MR. AT. GEN. DRUMMOND said that the matter was now under consideration.²¹¹

[QUESTION AND ANSWER RE: ENGLISH NORMAL SCHOOL.]

MR. FELTON enquired of the Ministry, whether it is their intention to establish a Branch of the Normal School for Lower Canada in the District of St. Francis, where English teachers from rural localities could be more economically and conveniently educated than in the city of Montreal.²¹²

MR. PROV. SEC. CARTIER said that it was not their intention to establish a branch of the Normal School in that district.²¹³

[WITHDRAWN MOTION FOR AN ADDRESS RE: ONTARIO, SIMCOE AND HURON RAILWAY COMPANY.]

MR. ROBINSON moved for an Address to His Excellency for the appointment of a Commission to inquire into the state, management and tariff of charges of the Ontario, Simcoe and Huron Railroad. He thought the Government was bound to inquire whether the alleged charges were true or not, and it really seemed that the Company had been seriously at fault. He hoped the Hon. President of the Road, who was in his place, would offer some explanations. The tariff of rates had been largely increased, upon the ground that at the old rates the road did not pay; but they exacted different rates from different persons, some of which were 40 miles further than others, being only required to pay the rate of the shorter distance, which of course created great dissatisfaction. As a general thing, however, it was the dearest road in the country, and of course with exorbitant rates it could not be expected to pay. He thought the Government would see the propriety of immediately instructing an inquiry into the management.²¹⁴

MR. AT. GEN. J.A. MACDONALD. — If improper tolls are asked they cannot be collected, and if collected may be recovered at law.²¹⁵ He understood that the company, being obliged to take the tolls allowable by law, had fixed the highest rate that came within the scope of its charter. But in order to meet the views of the public they had settled a new tariff which they had laid before the Government for approval, and the interests both of the company and of the public would be well considered. But as for issuing a Commission the Government had no more power to issue a commission to enquire into the affairs of the company, than they had to issue a commission to enquire into the affairs of the Canada Company.²¹⁶

MR. MACKENZIE. — Parliament had a right to examine the books of Corporations, and he would find that such things had been done in respect of the corporations of London and other places. — That House could do anything they chose, they could go to-morrow to the Bank of Upper Canada and turn over its papers and books, and ask and get any information that was desired. Corporations were our creations, and we could control them at our will.²¹⁷

MR. AT. GEN. J.A. MACDONALD said that he had not said the House had not power to examine the affairs of any one Corporation, but that he had not authority to investigate the one under consideration.²¹⁸

The motion was withdrawn.²¹⁹

[WITHDRAWN MOTION RE: SATURDAY SITTINGS.]

MR. GALT moved that the House do sit on the Saturday of each week during the remainder of the Session between the hours of 11 and 4, and that the orders of the day do take precedence of all notices of motion.²²⁰

MR. FORTIER objected to this notice, which stood almost last in the notice paper, taking precedence of the other notices of motion. It was an irregular proceeding and as such could not be countenanced by that House.²²¹

MR. GALT thought he was perfectly in order.²²²

MR. MACKENZIE charged the hon. member for Sherbrooke with attempting, by this motion, to give the go by to all the other notices of motion. He hoped it would be postponed until the previous

notices were disposed of. He would also vote against the motion because it proposed, in effect, to give another day to the Government — thus giving them four days in the week.²²³

MR. HOLTON said it was distinctly understood in the last debate on this subject that this resolution would be taken up by the House that day.²²⁴

MR. AT. GEN. DRUMMOND said that the objection of the hon. member for Haldimand was well founded with regard to ordinary notices of motion; but it was not applicable in the present instance. He thought the general feeling of the House was in favor of having a sitting on Saturday, during the remainder of the Session. He hoped the hon. member for Haldimand would withdraw his objection, as, if he were not allowed to bring it in at once, he would have no opportunity of doing so, before the close of the week.²²⁵

After a short discussion,²²⁶

MR. GALT agreed to amend his motion by striking out the last section "that the orders of the day take precedence of the notices of motion."²²⁷

MR. MACKENZIE then withdrew his objection.²²⁸

MR. AT. GEN. DRUMMOND said the Government could not consent to the motion in its amended shape, as if the notices of motion were allowed to be taken up on that day, every member of the Government would require to be in his place — the House — a thing which was utterly impossible.²²⁹

MR. GAMBLE did not think anything would be gained by the additional sitting on Saturday.²³⁰

The motion was, finally, withdrawn.²³¹

[WITHDRAWN MOTION FOR A COMMITTEE RE: PETITION CONCERNING
THE SEIGNIORY OF DE LANAUDIÈRE.]

MR. JOBIN moved to refer the Petition of certain inhabitants of the Parish of St. Gabriel de Brandon to a Special Committee, to consist of the Hon. Mr. Drummond, Messrs. Turcotte, Thibaudeau, J.B.E. Dorion, Desaulniers and the Mover, with power to send for persons, papers and records.²³²

After some remarks from MR. AT. GEN. DRUMMOND,²³³

The motion was withdrawn.²³⁴

[POSTPONED MOTION FOR RESOLUTIONS RE: COMMON SCHOOL ACTS OF
UPPER CANADA.]

MR. BROWN, in the absence of Mr. Hartman, who was desirous of taking part in the discussion, but was detained from the house by sickness, postponed till Monday next his resolutions in regard to the sectarian provisions of the Common School Act[s] of Upper Canada.²³⁵

[POSTPONED MOTION FOR A RESOLUTION RE: CENSUS.]

MR. BROWN ... [rose] to move — "that it is expedient to provide that a census of the people of Canada be taken on the 12th January, 1857"²³⁶.

MR. AT. GEN. DRUMMOND said it was now late, and the motion had better be postponed till Monday.²³⁷

MR. BROWN. — I do not think there will be much discussion.²³⁸

MR. AT. GEN. J.A. MACDONALD. — Yes, there will.²³⁹

A number of members calling out "on Monday,"²⁴⁰

MR. BROWN said that, if such was the wish of the House, he would postpone his motion till Monday next.²⁴¹

Footnotes

1. *Montreal Gazette*, 1 May 1856. The discussion which follows is inserted at this point in the day's proceedings following the information given by those newspapers reporting the debate. According to their sequence of proceedings, this discussion occurred after "several petitions were presented, and other routine business gone through" (*Toronto Daily Leader*, 29 April 1856), but before a short debate on the report of the Standing Committee on Contingencies, reconstituted on pages (388) 1664-1665.
2. *Toronto Daily Leader*, 29 April 1856.
3. *Globe*, 29 April 1856.
4. *Toronto Daily Leader*, 29 April 1856.
5. *Globe*, 29 April 1856.
6. *Toronto Daily Leader*, 29 April 1856.
7. *Globe*, 29 April 1856.
8. *Toronto Daily Leader*, 29 April 1856.
9. *Globe*, 29 April 1856.
10. *Toronto Daily Leader*, 29 April 1856.
11. *Globe*, 29 April 1856.
12. *Toronto Daily Leader*, 29 April 1856.
13. *Ibid.*
14. *Ibid.*
15. *Montreal Gazette*, 1 May 1856.
16. *Toronto Daily Leader*, 29 April 1856.
17. *Ibid.*
18. *Globe*, 29 April 1856.
19. *Toronto Daily Leader*, 29 April 1856.
20. *Globe*, 29 April 1856.
21. *Toronto Daily Leader*, 29 April 1856.
22. *Globe*, 29 April 1856.
23. *Toronto Daily Leader*, 29 April 1856.
24. *Ibid.*
25. *Ibid.*
26. *Ibid.*
27. *Globe*, 29 April 1856.
28. *Toronto Daily Leader*, 29 April 1856. *Globe*, 29 April 1856, reports the following short comment: "It must be observed that under apprehension of the tariff coming into immediate operation, merchants hastened to take their goods out of bond, and in so doing exposed themselves to considerable difficulty. Of course, Mr. Cartier's and those of that faithful supporter of the Government, Mr. Ferres, were relieved from all anxiety, and had ample time given to them to make their arrangements. — Mr. Cartier, singular to say, refused to make any explanation."

29. *Globe*, 29 April 1856.
30. *Toronto Daily Leader*, 29 April 1856.
31. *Globe*, 29 April 1856.
32. *Ibid.*
33. *Toronto Daily Leader*, 29 April 1856.
34. *Globe*, 29 April 1856.
35. *Toronto Daily Leader*, 29 April 1856.
36. *Ibid.*
37. *Globe*, 29 April 1856.
38. *Toronto Daily Leader*, 29 April 1856.
39. *Globe*, 29 April 1856.
40. *Toronto Daily Leader*, 29 April 1856.
41. *Ibid.*
42. *Ibid.*
43. *Ibid.*
44. *Ibid.*
45. *Ibid.*
46. *Ibid.*
47. *Globe*, 29 April 1856. This debate is inserted at this point in the day's proceedings following the sequence reported in *Toronto Daily Leader*, 29 April 1856, and *Hamilton Spectator Semi-Weekly*, 3 May 1856.
48. *Toronto Daily Leader*, 29 April 1856.
49. *Ibid.*
50. *Globe*, 29 April 1856.
51. *Toronto Daily Leader*, 29 April 1856.
52. *Globe*, 29 April 1856.
53. *Toronto Daily Leader*, 29 April 1856.
54. *Globe*, 29 April 1856.
55. *Toronto Daily Leader*, 29 April 1856.
56. *Globe*, 29 April 1856.
57. *Montreal Gazette*, 1 May 1856.
58. *Globe*, 29 April 1856.
59. *Toronto Daily Leader*, 29 April 1856.
60. *Globe*, 29 April 1856.
61. *Toronto Daily Leader*, 29 April 1856.
62. *Globe*, 29 April 1856.
63. *Toronto Daily Leader*, 29 April 1856.
64. *Globe*, 29 April 1856.
65. *Toronto Daily Leader*, 29 April 1856.
66. *Globe*, 29 April 1856.
67. *Montreal Gazette*, 1 May 1856.
68. *Toronto Daily Leader*, 29 April 1856.
69. *Globe*, 29 April 1856.
70. *Toronto Daily Leader*, 29 April 1856.
71. *Globe*, 29 April 1856.
72. *Toronto Daily Leader*, 29 April 1856.
73. *Globe*, 29 April 1856.
74. *Toronto Daily Leader*, 29 April 1856.
75. *Globe*, 29 April 1856.
76. *Toronto Daily Leader*, 29 April 1856.
77. *Ibid.*
78. *Globe*, 29 April 1856.
79. *Toronto Daily Leader*, 29 April 1856.
80. *Hamilton Spectator Semi-Weekly*, 3 May 1856.
81. *Toronto Daily Leader*, 29 April 1856.
82. *Ibid.*
83. *Ibid.*

84. *Toronto Daily Leader*, 30 April 1856.
85. *Ibid.*
86. *Globe*, 29 April 1856.
87. *Toronto Daily Leader*, 30 April 1856.
88. *Globe*, 29 April 1856.
89. *Toronto Daily Leader*, 30 April 1856.
90. *Globe*, 29 April 1856.
91. *Toronto Daily Leader*, 30 April 1856.
92. *Globe*, 29 April 1856.
93. *Toronto Daily Leader*, 30 April 1856.
94. *Ibid.*
95. *Montreal Gazette*, 1 May 1856.
96. *Toronto Daily Leader*, 30 April 1856.
97. *Ibid.*
98. *Ibid.*
99. *Montreal Gazette*, 1 May 1856.
100. *Toronto Daily Leader*, 30 April 1856.
101. *Ibid.*
102. *Ibid.*
103. *Ibid.*
104. *Montreal Gazette*, 1 May 1856.
105. *Toronto Daily Leader*, 30 April 1856.
106. *Toronto Daily Leader*, 30 April 1856. *Globe*, 29 April 1856, reports that "the resolutions were withdrawn, on the understanding that the Inspector General would bring before the house the question of Reciprocity with the United States in the shipping and coasting trade."
107. *Toronto Daily Leader*, 30 April 1856.
108. *Globe*, 29 April 1856.
109. *Toronto Daily Leader*, 30 April 1856.
110. *Montreal Gazette*, 1 May 1856.
111. *Mackenzie's Weekly Message*, 2 May 1856.
112. *Toronto Daily Leader*, 30 April 1856.
113. *Montreal Gazette*, 1 May 1856.
114. *Globe*, 29 April 1856.
115. *Toronto Daily Leader*, 30 April 1856.
116. *Montreal Gazette*, 1 May 1856.
117. *Toronto Daily Leader*, 30 April 1856.
118. *Globe*, 29 April 1856.
119. *Toronto Daily Leader*, 30 April 1856.
120. *Globe*, 29 April 1856.
121. *Toronto Daily Leader*, 30 April 1856. *Hamilton Spectator Semi-Weekly*, 3 May 1856, reports that Mr. Mackenzie "contended with earnestness and some pathos, in favour of the House manifesting its sense of the brutality of the murder, and its sympathy with the widow and orphans, by voting for his resolution."
- In a commentary reported in *Montreal Gazette*, 5 May 1856, the editorial correspondent of the *Gazette* also states that Mr. Mackenzie "really rose to an unusual pitch of eloquence on the subject, and made the most pathetic speech I ever heard from him."
122. *Globe*, 29 April 1856.
123. *Ibid.*
124. *Ibid.*
125. *Toronto Daily Leader*, 30 April 1856.
126. *Ibid.*
127. *Ibid.*
128. *Globe*, 29 April 1856.
129. *Montreal Gazette*, 1 May 1856.
130. *Toronto Daily Leader*, 30 April 1856.
131. *Globe*, 29 April 1856.
132. *Montreal Gazette*, 1 May 1856.

133. *Hamilton Spectator Semi-Weekly*, 3 May 1856.
134. *Globe*, 29 April 1856.
135. *Hamilton Spectator Semi-Weekly*, 3 May 1856.
136. *Mackenzie's Weekly Message*, 2 May 1856.
137. *Globe*, 29 April 1856.
138. *Mackenzie's Weekly Message*, 2 May 1856.
139. *Globe*, 29 April 1856.
140. *Ibid.*
141. *Ibid.*
142. *Toronto Daily Leader*, 30 April 1856.
143. *Globe*, 29 April 1856.
144. In a commentary, *Montreal Gazette*, 5 May 1856, reports that "Mr. Mackenzie could get no one to second him in his call for the yeas and nays, so the vote stands recorded lost on a division."
145. *Toronto Daily Leader*, 30 April 1856.
146. *Ibid.*
147. *Ibid.*
148. *Globe*, 29 April 1856.
149. *Toronto Daily Leader*, 30 April 1856.
150. *Globe*, 29 April 1856.
151. *Toronto Daily Leader*, 30 April 1856.
152. *Globe*, 29 April 1856.
153. *Mackenzie's Weekly Message*, 2 May 1856.
154. *Globe*, 29 April 1856.
155. *Mackenzie's Weekly Message*, 2 May 1856.
156. *Globe*, 29 April 1856.
157. *Ibid.*
158. *Ibid.*
159. *Toronto Daily Leader*, 30 April 1856.
160. *Globe*, 29 April 1856.
161. *Toronto Daily Leader*, 30 April 1856.
162. *Globe*, 29 April 1856.
163. *Toronto Daily Leader*, 30 April 1856.
164. *Hamilton Spectator Semi-Weekly*, 3 May 1856.
165. *Globe*, 29 April 1856.
166. *Toronto Daily Leader*, 30 April 1856.
167. *Globe*, 29 April 1856.
168. *Ibid.*
169. *Toronto Daily Leader*, 30 April 1856.
170. *Hamilton Spectator Semi-Weekly*, 3 May 1856.
171. *Globe*, 29 April 1856.
172. *Toronto Daily Leader*, 30 April 1856.
173. *Ibid.*
174. *Globe*, 29 April 1856.
175. *Ibid.*
176. *Hamilton Spectator Semi-Weekly*, 3 May 1856.
177. *Globe*, 29 April 1856.
178. *Toronto Daily Leader*, 30 April 1856.
179. *Hamilton Spectator Semi-Weekly*, 3 May 1856.
180. *Toronto Daily Leader*, 30 April 1856.
181. *Ibid.*
182. *Ibid.*
183. *Globe*, 29 April 1856.
184. *Toronto Daily Leader*, 30 April 1856.
185. *Toronto Daily Leader*, 29 April 1856, and 30 April 1856, differ twice from the divisions reported in the *Journals* and in *Globe*, 29 April 1856: For the yeas it reports the name of Mr. Bellingham instead of Mr. Biggar, and Mr. Cameron instead of Mr. Chisholm.

- Commentaries on this debate and on the result of the division are reported in *Globe*, 29 April 1856, *Toronto Daily Leader*, 29 April 1856, *Mackenzie's Weekly Message*, 2 May 1856, *Montreal Gazette*, 5 May 1856, and *Pilot*, 6 May 1856.
186. *Globe*, 30 April 1856, *Toronto Daily Leader*, 30 April 1856, and *L'Avenir*, 9 May 1856, all report the year as 1820, which concurs with the information given in the notice of motion of 11 April 1856.
 187. *Globe*, 30 April 1856.
 188. *L'Avenir*, 9 May 1856. Mr. J. Dorion's notice of motion, which is here mentioned, was arbitrarily inserted with the proceedings of 11 April 1856 (see pages 1312-1313) as the newspaper that reported the information did not give the exact date when it was put down on the notice list.
 189. *L'Avenir*, 9 May 1856.
 190. *L'Avenir*, 9 May 1856. This newspaper also reports a short commentary on Mr. J. Dorion's motion.
 191. *Toronto Daily Leader*, 30 April 1856.
 192. *Globe*, 30 April 1856.
 193. *Toronto Daily Leader*, 30 April 1856.
 194. *Globe*, 30 April 1856.
 195. *Ibid.*
 196. *Ibid.*
 197. *Ibid.*
 198. *Ibid.*
 199. *Ibid.*
 200. *Globe*, 30 April 1856, reports that the House adjourned "shortly before 12 o'clock".
 201. *Mackenzie's Weekly Message*, 2 May 1856.
 202. *Toronto Daily Leader*, 30 April 1856.
 203. *Ibid.*
 204. *Ibid.*
 205. *Ibid.*
 206. *Ibid.*
 207. *Ibid.*
 208. *Ibid.*
 209. *Ibid.*
 210. *Ibid.*
 211. *Ibid.*
 212. *Ibid.*
 213. *Ibid.*
 214. *Hamilton Spectator Semi-Weekly*, 3 May 1856.
 215. *Ibid.*
 216. *Globe*, 30 April 1856.
 217. *Toronto Daily Leader*, 30 April 1856.
 218. *Ibid.*
 219. *Globe*, 30 April 1856.
 220. *Toronto Daily Leader*, 29 April 1856.
 221. *Toronto Daily Leader*, 29 April 1856. This newspaper does not indicate whether the speaker was Mr. O. Fortier or Dr. T. Fortier. No other newspaper reports this debate.
 222. *Toronto Daily Leader*, 29 April 1856.
 223. *Ibid.*
 224. *Ibid.*
 225. *Ibid.*
 226. *Ibid.*
 227. *Ibid.*
 228. *Ibid.*
 229. *Ibid.*
 230. *Ibid.*
 231. *Ibid.*
 232. *Toronto Daily Leader*, 30 April 1856.
 233. *Ibid.*
 234. *Ibid.*
 235. *Globe*, 29 April 1856.

- 236. *Globe*, 30 April 1856.
- 237. *Ibid.*
- 238. *Ibid.*
- 239. *Ibid.*
- 240. *Ibid.*
- 241. *Ibid.*

TUESDAY, 29 APRIL 1856

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THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Jobin*, — The Petition of *J. Bourgeois* and others, of *St. Ambroise de Kildare*, County of *Joliette*.

By Mr. *Dionne*, — The Petition of the Reverend *H. Potvin, Curé*, and others, School Commissioners, and others, of *St. Modeste*, Township of *Whitworth*.

By the Honorable Mr. *Merritt*, — The Petition of *Jacob Noble* and others, of the Town of *St. Catharines*; the Petition of the Board of Common School Trustees of the City of *Hamilton*; and the Petition of the Municipality of the Township of *Louth*.

By Mr. *Fournier*, — The Petition of the Reverend *F.X. Delâgé*, President, on behalf of a Public Meeting of the Inhabitants of *St. Jean Port-Joli*.

By the Honorable Mr. *Cayley*, — The Petition of the *Hamilton* Board of Trade.

By Mr. *Brown*, — The Petition of *John Lillie* and others, of the Town of *Wallaceburgh*; the Petition of *Duncan McLaren* and others, of the Township of *Sombra*; and the Petition of *Thomas Fenney* and others, of the Township of *Etobicoke*.

By Mr. *Bourassa*, — The Petition of *Charles Roy* and others.

By Mr. *Stevenson*, — The Petition of *John T. Dorland* and others, of *Wellington* and vicinity.

By Mr. *Holton*, — The Petition of *George Garth*, of the City of *London*, Gas Engineer.

On motion of Mr. *Holton*, seconded by Mr. *Galt*,

Ordered, That the Petition of *George Garth*, of the City of *London*, Gas Engineer, be now received and read, and the Rules of this House suspended as regards the same.

And the said Petition was received and read; praying that the application of the Mayor, Aldermen, and Commonalty of the said City for certain amendments to the Acts for the formation of Joint Stock Companies for supplying Cities, Towns, and Villages with Gas and Water, may not be granted.

Ordered, That the said Petition be referred to the Select Committee on Miscellaneous Private Bills.

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Mr. *Sidney Smith*, from the Standing Committee on Standing Orders, presented to the House the Fifteenth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Petitions of the Honorable *John Young* and others, for the revival of the Act incorporating a Company to make a Canal from the *St. Lawrence* into Lake *Champlain*, — and of the Mayor and Citizens of the City of *Quebec*, for amendments to the Act authorizing them to construct Water Works; and they find that no Notice has been given in either case; but they would recommend a suspension of the 62nd Rule upon both Petitions, as the first is merely for the revival of a former Charter recently lapsed, and the latter prays for amendments which are indispensable for carrying on the works in progress.

The Petition of the Trustees and Directors of the *Stanstead* Seminary, for an Act of incorporation, is not of a nature to require the publication of Notice.

Ordered, That the 62nd Rule of this House be suspended as regards the Petition of the Honorable *John Young* and others, as recommended by the Standing Committee on Standing Orders.

Ordered, That Mr. *Galt* have leave to bring in a Bill to incorporate the *St. Lawrence* and *Champlain* Canal Company.

He accordingly presented the said Bill to the House, and the same was receiv[e]d and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That the 71st Rule of this House be suspended as regards the said Bill.

Mr. *Galt*, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Fifth Report of the said Committee; which was read, as followeth: —

Your Committee have taken into their consideration the Bill to incorporate the Transatlantic Telegraph Company, and also, the Bill to amend the Railway Clauses Consolidation Act, referred to them, and have agreed to several amendments to each, which they humbly submit for the adoption of Your Honorable House.

Ordered, That the Bill to incorporate the Transatlantic Telegraph Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

Ordered, That the Bill to amend the Railway Clauses Consolidation Act, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

Ordered, That the Petition of *Charles Allan* and others, of the Village of *Elora*, be referred to the Standing Committee on Standing Orders; with an Instruction to the said Committee to consider and report as to the expediency of suspending the 62nd Rule of this House as regards the said Petition.

Ordered, That the 62nd Rule of this House be suspended as regards the Petition of the Mayor, Aldermen, and Citizens of the City of *Quebec*, as recommended by the Standing Committee on Standing Orders.

On motion of the Honorable Mr. Attorney General *Drummond*, seconded by the Honorable Mr. *Morrison*,

Ordered, That the Orders of the day be now read.

And the Order of the day for receiving the Report of the Committee of the whole House to consider of certain Resolutions on the subject of certain amendments to the Tariff of Customs, being read;

Mr. *Terrill* reported several Resolutions; which were read, as follow: —

1. *Resolved*, That all the Articles now subject to a Duty of 12½ per cent. be, unless specifically excepted, charged with a Duty of 15 per cent.

2. *Resolved*, That Leather Manufactures and India Rubber Manufactures be charged with a Duty of 20 per cent.

3. *Resolved*, That the following Articles, now subject to a Duty of 2½ per cent., be charged with a Duty of 5 per cent: — *Canada* Plates, Wrought Cranks, Straps for Walking Beams, Plough Moulds, Galvanized Iron, Frames and Pedestals, Connection Rods, Chains other than Chain Cables, Wheels and Axles and Hoops and Tires for Locomotives, Machinery used in the manufacture of Doors, Window Sashes and Blinds, Printing Paper — that is to say, Book Printing Paper and News Printing Paper.

4. *Resolved*, That the Duty on

	s.	d.
Cigars be per lb.	3	0
Snuff "	0	6
Manufactured Tobacco "	0	2½
Spirits and Strong Waters of all sorts, for every gallon of any strength not exceeding the strength of proof by <i>Sykes'</i> Hydrometer, and so in proportion for any greater strength than that of proof and for any greater or less quantity than a gallon, viz: —		
Brandy per gal.	4	0
Cordials "	5	0
Gin and other Spirits and Strong Waters not being Rum,		
Brandy or Whiskey "	3	6
Rum "	2	3
Whiskey "	0	7½

	s.	d.
Wine, in wood, not exceeding £10 per pipe of 126 gallons	"	1 0
Over £10, and not exceeding £15	"	1 6
Over £15	"	2 0
In quart bottles, on Wine not exceeding 20s. in value	per doz.	7 6
Over 20s., and not exceeding 40s	"	10 0
Over 40s	"	12 6
In pint bottles, in like proportion	per doz.	3s. 9d., 5s. and 6 3
Molasses	per gal.	0 2½
Green Coffee	per lb.	0 0¾
Dried Fruits	"	0 1¼
Macaroni	"	0 1¼
Vermicelli	"	0 1¼
Vinegar	per gal.	0 3½
Tea	per lb.	0 2½
Brooms	per doz.	2 6
Mustard, Cloves, Cassia and Cinnamon	per lb.	0 3
Ginger, Pimento, Pepper and Starch	"	0 2
Mace and Nutmegs	"	0 9
Spices unenumerated	"	0 4
Refined Sugar, whether in loaves or lumps, candied, crushed, powdered or granulated, or in any other form, White Bastard Sugar, or other Sugar equal to Refined Sugar in quality	per cwt.	14 0
White Clayed Sugar, and Brown Clayed Sugar, and Yellow Bastard Sugar, or Sugar of any kind equal in quality to any of the said kinds of Sugar, but not equal in quality to Refined Sugar	"	10 0
Raw Sugar and all Sugar of any kind not equal in quality to any of those above mentioned	"	7 6
Rice	} To be admitted Free.	
Wrought Burr Stones		
Hat Plush		

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The Honorable Mr. *Cayley* moved, seconded by the Honorable Mr. Attorney General *Macdonald*, and the Question being proposed, That the said Resolutions be now read a second time;

MR. YOUNG then moved the following resolutions as amendments to the resolutions of the Inspector General: —

"That all after the word 'be' to the end of the question be left out, in order to add instead thereof the words, 're-committed to a committee of the whole house, with a view to consider of adopting the following resolutions in lieu thereof:

'1st. That it is expedient to repeal all specific duties of customs imposed by the act 18 Vic., c. 5, and the schedule thereunto annexed, or table of duties of customs inwards, annexed to the said act, on the following articles: — sugars of all kinds, molasses, tea, coffee, tobacco of all kinds, manufactured or unmanufactured, including cigars and snuff, wine of all kinds, in wood or in bottle, whiskey, rum, Geneva, brandy, and other spirits or strong waters, except rum and whiskey spirits, cordials and liqueurs sweetened and mixed with any article so that the strength cannot be ascertained by Sykes's Hydrometer, almonds, currants, figs, nuts, prunes, raisins, and other dried fruits, pimento, allspice, pepper, cassia, cinnamon, cloves, ginger, mace, nutmegs, maccaroni, vermacelli [sic], all unenumerated spices, and vinegar, with a view to the better adjustment of the tariff, by imposing *ad valorem* duties only on the said articles.

'2nd. That it is expedient to impose the following *ad valorem* duties of customs inwards on the articles mentioned in the preceding resolution, Vic. 12: sugars refined, in loaves, crushed or candy, sugar, raw bastard and other kinds, molasses, tobacco, manufactured or unmanufactured, other than cigars or

snuff, ... almonds, currants, figs, nuts, prunes, raisins and other dried fruits, pimento, allspice, pepper, cassia, cinnamon, cloves, ginger, mace, nutmegs, macaroni, vermacelli [sic], all unenumerated spices, and vinegar, thirty per cent.; whisky, fifty per cent.; tea and coffee, ten per cent.; wine of all kinds in wood or bottle, twenty per cent.; rum, brandy, Geneva, or gin, and other strong waters or spirits; and cordials, liqueurs and spirits, sweetened or mixed with any other article, one hundred per cent.; cordage of all kinds (not imported expressly for the use of ship builders), twelve and a half per cent.

'3rd. That it is expedient to repeal the duty of twelve and a half per cent. *ad valorem*, now imposed by the act 12 Vic., cap. 1, on earthenware, crockery and rice.

'4th. That it is expedient to increase the excise duty on whiskey from one penny per gallon to the rate of three pence per gallon, of Sykes' Hydrometer proof.'"¹

He said in moving this amendment to the resolutions of the Inspector General, he begged the House distinctly to under[s]tand that it was not done with the view of reducing the amount the Inspector General expects to obtain by his specific duties. The rates of *ad valorem* charged are based upon the quantities imported in 1855, while, by adopting the *ad valorem* duties which he had mentioned in this amount, the gross amount of revenue would be larger than the amount under the Inspector General's specific duties would be.² [He] had not increased the *ad valorem* rates upon silks, cotton, &c., but had left the 12½ per cents as they were; and the gross amount, after reducing the duties upon earthenware and rice, would be only £98,000³ [OR] £28,000⁴ less than the Inspector General expected to obtain by his specific rates of duty, and by the increase of 12½ per cent. to 15.⁵ The great difference was, however, upon the principle involved in *ad valorem* instead of specific duties.⁶ Now, in looking over the specific rates of duty sought to be levied by the hon. gentleman, he found that he had followed no principle whatever in putting them on; — in some instances, 100 per cent. was charged, and in some 17. In reference to this, he would read over the articles upon which specific duties are placed, and upon which he (Mr. Young) proposed putting *ad valorem* rates. Upon sugars, the Inspector General charged 3d per pound, or 45 per cent. duty; while he (Mr. Y.) puts on a rate only of 30; snuff, 48 per cent., to his (Mr. Y.'s) 30; manufactured tobacco, 30 against 30 per cent.; brandy, 40 per cent. to his (Mr. Y.'s) 100; gin, 140 to his 100; rum, 77 against his 100; wine, 45 against 20; molasses, 17 against 30; green coffee, 12 against 10; roasted do, 11 against 10; dried fruits, 22⁷ [OR] 32⁸ against 30; mace, macaroni, and vermicelli, 14 against 30; ginger, 29 to 30; tea, 11 to 10; brooms, 38 against 12½; starch, 100 to 12½; mustard, 42 to 12½⁹.

MR. INSP. GEN. CAYLEY. — What is the price of starch?¹⁰

MR. YOUNG took it on an average at 3d. per pound.¹¹

MR. INSP. GEN. CAYLEY would be able to show that 6d. would be nearer what was current.¹²

MR. YOUNG could only say that he had frequently purchased the article at 4 to 5 cents in the States. In the article of cimmamon [sic] the duty of the Inspector General was 50¹³ [OR] 15 against 30; refined sugar, 36 to 30; raw sugar, 29 to 30; leather manufactures, 15 to 12½; upon all the 12½ per cents, 15 against 12½; on produce, 15 against 30; whiskey, 28 to 50. Taking the value of wines imported in 1845, the Inspector-General's duty would be 45 per cent. When that hon. gentleman brought down his tariff, he stated distinctly that he wished so to frame it as not to have it sectional in its character, and not to drive trade out of its ordinary channels. Now, he (Mr. Young) would ask the Inspector General to explain why he should not now carry that out — for he (Mr. Y.) maintained that the system of specific duties had the effect of driving trade into other than natural channels. (Hear, hear.)¹⁴ The Inspector General had given one of the best instances he could give of this fact. He stated that in three months the quantity of tea imported into Lower Canada and into Upper Canada was the same, while the value of the tea imported into Lower Canada was 50 per cent less than the value of the tea imported into Upper

Canada. But the hon. gentleman forgot to say that by adopting specific duties, Lower Canada is obliged to pay 50 per cent more upon this article of tea than the Upper Canada people pay.¹⁵ (Hear, hear.)¹⁶ Unfortunately, the people of Lower Canada are not able to buy that fine quality of tea which the Upper Canada people purchase. He found from the trade returns for the past year that while the value of the tea drunk in Lower Canada was 14d. a pound, the value of the tea drunk in Upper Canada was 21d. per pound, or nearly 50 per cent more. While then the tea imported into Upper Canada pays only 50 per cent. the tea of Lower Canada pays 50 per cent. more whatever be the rate of duty. It was this principle which was driving the trade of the Lower St. Lawrence into American channels. We have in fact no trade with foreign countries at all. He would only instance the fact that ... in 1855¹⁷, out of £136,000 worth of tea imported into Lower Canada, only £14,000 worth came from China, the rest being bought in the American market.¹⁸ He would like the Inspector General to show if the principle of specific duty in regard to tea (and he would apply the same consideration to other articles) had not the effect of placing unjust taxation upon the people of Lower Canada? He wished no preference to be shown to Lower Canada, but he contended that the whole influence of putting on those specific duties, was to give to the American merchant the whole control of the trade of the Province. And perhaps the honourable gentleman would explain how he came to place 140 per cent. duty upon gin — a foreign spirit — an article of luxury; and how he admitted brandy at 40 per cent., or upon what principle he had chosen to put 100 per cent. upon starch, when it was only 12½ before. He (Mr. Young,) had placed 20 per cent. upon wines, for he thought it was highly important that wines of all qualities, especially low priced, should be introduced free into this country. (Hear, hear.) In this year, the import of whiskey had increased some 136,000 gallons. He did not know the quantity distilled here; but when it was found that there has been rather a decrease in the import of wines, it was important to try the effect of lowering duty upon wines, and rather taxing severely the articles of ardent spirits. (Hear, hear.)¹⁹ There was an important principle involved in it, and he could not help thinking that it deserved [sic] the most serious attention of the Inspector General, and of the country at large — [t]o ascertain whether this enormous progress in drinking ardent spirits could not be checked.²⁰ (Hear, hear.) Now any one who would look at the returns of the upper lakes would find that our canals were, instead of a benefit, an enormous loss to us. Earthenware was certainly one of those articles which assumes great bulk, and would give a great amount of tonnage, and while he would reduce the duty upon crockery in order that it might go into the Western States free, as being the best market for it, he thought that the increase in tolls on the canals would in a short time far more than make up the difference. He (Mr. Y.) had also taken the duty off of foreign rice, and had added two-pence a gallon upon the excise duty of whiskey²¹ because he considered it proper that this article should be made more difficult to be obtained. He would like the Inspector General to explain how he had chosen the articles of leather and India rubber to raise them from 12½ to ... 20 per cent., while all the other articles of manufacture in the country are not so increased²² [and] while he had dropped the duty upon silks. How he had done this was very strange. He (Mr. Young) believed that the increase of the trade of 1856 would be such, that with the duties that were formerly 12½ per cent, he believed that the increase would be more than ever the Inspector General had contemplat[e]d by his excess of duty. He (Mr. Young) had put out the resolution as to the article of paper.²³

MR. INSP. GEN. CAYLEY might be permitted to ask, why the honourable member in moving these resolutions had all at once changed his mind as to the duty upon paper? (Hear, hear.)²⁴ It was entered in his amendment at 12½ per cent. upon all kinds of paper, while he had now struck it out of the last.²⁵

MR. YOUNG replied, that he had not changed his own opinions upon the subject, and before the discussion was got through, the same resolutions would be moved in another form. (Hear, hear.)²⁶

MR. ROBINSON said, perhaps the hon. gentleman meant "Brown Paper." (Laughter.)²⁷

MR. INSP. GEN. CAYLEY said, that when the hon. gentleman abandoned that article, he (Mr. Cayley) might certainly draw his own conclusions from it.²⁸

MR. YOUNG had not abandoned it.²⁹

MR. INSP. GEN. CAYLEY had heard a great deal about his having put 100 per cent. upon starch. Now if he took the hon. member's own figures of three-pence per pound, then his (Mr. C.'s) price of two-pence would not be a charge of 100 per cent., but if he (Mr. C.) took it at³⁰ 6d. a pound, as he was convinced it was nearer the value, the duty would only be about 33½ per cent. as he had fixed it. With regard to tea it was of the utmost importance that he should endeavor to correct and remove so far as possible the erroneous impression which the hon. gentleman had endeavored to convey. The duty upon tea paid under the old tariff in 1854, imported into Montreal and Quebec, was 2¾[d]. per pound — and the rate which he proposed to fix was 2½d. He was at a loss therefore to understand how by making the duty 2½d. by the new tariff instead of 2¾d. by the old tariff, he was making Lower Canada pay 50 per cent more for their tea than before; and he was at a loss to understand how Lower Canada was paying 50 per cent more than Upper Canada.³¹ But the duty which he proposed to put on molasses was 17 per cent., and the hon. member for Montreal (Mr. Young) proposed to make it 30 per cent. Therefore, he (Mr. Cayley), thought that the hon. member was, if possible, driving a harder bargain than himself with Lower Canada, which was a large consumer of that article, and upon nearly every luxury he (Mr. Young) was anxious to reduce the duty instead of being ready as he (Mr. Cayley) was, to keep it up.³² On cigars he [Mr. Young] puts 30 per cent instead of 40; snuff, 30 per cent instead of 48³³. This was not in favor of the poor man but the rich.³⁴ He also found that on the article of raw sugars, he (Mr. C.) was 29 per cent. in place of 30, as stated by the hon. member³⁵ — so nearly the same thing as not to make any great difference; yet, on the article[s] of home necessity, he (the Inspector General) still levied a lower duty.³⁶ The article of wines he [Mr. Young] put at 20 against 45. He, (Mr. Cayley) could not but think that wine was an article of luxury and a fair article of duty, as the duty although high would not at all affect the industrial classes³⁷, who consumed that article but in very small quantities.³⁸ On maccaroni and vermicelli the duty is 14 per cent against 30. But the honorable member has failed to bring down under each item the probable result in the shape of duty which would be received according to his calculations, and carried out under each head separately. The House ought to see what the duty would be under each item — not taking the value of 1855, but the average of several years, as it was unfair to fix upon any one year to endeavor to establish any conclusions. To go back again to the question of *ad valorem* and specific duties would be to tread over again the ground they had again and again gone over. They had discussed it backwards and forwards for several weeks, and still he thought the mixed system which he had adopted, the same system as that of the Zollverein, which is the best in Europe, was the best for Canada.³⁹ In Great Britain the specific was mixed with the *ad valorem* to a considerable extent, and so far from universal satisfaction being felt in the United States with their present system, there were now no less than three propositions before Congress for the amendment of their tariff.⁴⁰ If honorable gentlemen would read the *Tribune* or the Boston paper from which he quoted before, they would find that⁴¹ in Boston and other ports, great complaints were constantly made of the principle adopted of levying duties. What became, then, of the model chosen by the hon. mover? He (Mr. Cayley) concluded that the effect of his tariff was to press the duties as lightly as possible upon those who are the objects of it.⁴² Tea and sugars and such articles they would find by his new tariff were lower than those of honorable gentlemen opposite, while in all articles of luxury he was higher, and he thought these fair articles upon which to raise a revenue.⁴³

MR. TURCOTTE. — The vacant wharves at Quebec told a sad tale of the falling off of our inward trade. The vessels which came to take away our lumber, came in ballast, and our magnificent [sic] canals, for which so much money had been spent, were almost unused. No member of the Government

would say that we had not men at Quebec and Montreal whose experience in commercial matters entitled them to be consulted in the foundation of a tariff, and he would like to know in what country in the world a finance minister constructed a tariff without advising with commercial men. The Government objected to *ad valorem* duties, and was for making persons who consumed inferior articles pay as much in the shape of duty as those who used the more expensive kinds. Now it was said Lower Canada used the cheaper kind of teas, yet according to the policy of the hon. Inspector General they should pay as much as the Upper Canadians who were said to consume the superior descriptions. Was this just? The system of *ad valorem* duties distributed the burdens equally. If the rich, availing themselves of their means, desired to enjoy luxuries, why they could only do so by paying in proportion. It was strange that no minister from Lower Canada had spoken upon this subject, but left the matter wholly to the Inspector General, who seemed to be the only man capable of dealing with the tariff. We had been told that the Lower Canadians wanted to force Upper Canada to do its business by way of the St. Lawrence. He denied it; let them do just as they please. What reasons had the Upper Canadians advanced against *ad valorem* duties? Positively none. At present, they paid the Americans a profit not only upon the original cost of goods but upon the duties paid upon these goods in New York as well as upon those afterwards levied at our ports. Why should they not import directly many of the goods they buy at second-hand from the Americans? Why not have a direct trade with China for the teas consumed? If they did this, or if the Lower Canadians did so, and resold to Upper Canadians, teas would be much cheaper in Canada than they were now. As to the duty proposed to be levied on wines by the tariff of the Inspector General, he thought they were open to serious objection. The common wines would pay as much as the best, which certainly was anything but fair. We ought to encourage the importation of light wines, which, while they did no harm to health were promotive of enjoyment. The French Government had shown a disposition to open a trade with Canada for its woods, but if we imposed heavy duties upon its products, it would have the effect of discouraging their attempts, and if their vessels came here at all they would have to come in ballast. The Government had established a public school at Quebec to teach the art of navigation, but if they paid more attention to the navigation of our noble river, they would do more good. He prefer[r]ed the views of Mr. Young, though some of the duties he proposed were unnecessarily high. There was no necessity for these high imports, for although we were called upon to pay moneys we had not expected to disburse, he yet believed the trade of next year would yield a sufficient revenue to enable us to meet these claims without raising the tariff. We had one and a-half million pounds' worth of debentures on hand, which in case of necessity we might issue, and therefore the Government could not be taken unawares. The tariff should not be altered except in cases of extreme urgency, for such changes were always injurious, and threw the affairs of the country invariably into confusion. He had a curiosity to be informed how it happened that while some Montreal merchants were making haste to take their goods out of bond, others were putting them into the bonded stores.⁴⁴ He hoped the Commissioner of Crown Lands (Mr. Cauchon), on a question so grave and important, would be found true to the interests of Lower Canada.⁴⁵

MR. PROV. SEC. CARTIER. — Things which appeared very fine in theory, were not always right in practice. For the purpose of preventing fraud it was admitted on all hands that the system of specific duties was far more effectual than the *ad valorem* system. What did harm to the commercial interests was frequent changes in the tariff, and he assented to the opinion that they should be avoided as much as possible. Such changes, however, were at times unavoidable, and the member for Montreal was doubtless aware that at this very moment, there were two different tariffs before the Senate of the United States, both of which were very different from each other and from that now in force.⁴⁶

MR. YOUNG. — Both these tariffs were on the *ad valorem* principle.⁴⁷

MR. PROV. SEC. CARTIER. — The public chest of the United States was so full that it had become necessary to reduce the duties. The tariff of Mr. Walker, passed some ten years ago, levied

duties varying from 25 to 100 per cent, while some goods came in free altogether. This tariff had created a great deal of dissatisfaction, and had deranged the commercial finance of the country very much. The duties were payable in specie, and the consequence was, that vast amounts had accumulated in the public treasury to the great detriment of the currency of the country. For four or five years the clamors of the commercial interest had been very loud for a change. Under the pretence of free trade, the tariff of the United States was essentially protective to the manufactures of that country. At this moment, the position had become an exceedingly difficult one, for, with a desire to promote free trade, there is a fear of adopting the *ad valorem* principle on account of the enormous frauds which are apparently inseparable from it. Senator James, of Rhode Island, has brought forward a tariff, and Senator Guthrie, another. James proposes four classes of specific duties, together with a mixture of *ad valorem* duties, and the admission of certain goods free. He (Mr. Cartier) had read the discussions upon these propositions with great care. James's tariff was intended to protect the country from fraud, but it was urged against it that it recognised to some extent the *ad valorem* principle and so retained the germ of fraud. Guthrie's tariff is represented as more favorable because it comes nearer the idea of specific duties, and because also it imposes smaller burdens upon commerce. It was quite clear that very soon, if not immediately, the duties in the United States would be changed, for the country could no longer sustain such taxes upon its trade, nor consent to the locking up of the immense amounts of specie consequent upon the present system. The safe principle of taxation was, that no more duties should be levied than [sic] were required for meeting the expenses of the Government. In the changes he had spoken of, as contemplated by the United States Legislature, the tariff of that country could not hereafter be quoted in support of protection to home manufactures. It was proper that the rich would bear the heaviest burdens, and this could be attained as well by the specific system as by *ad valorem* duties, besides preventing the numerous frauds to which the latter gave rise. He did not contend for or against either of the systems, but he would compare the two tariffs, and he thought he could show that that of the Inspector General was far preferable to the one proposed by the member for Montreal. In respect of the duty on tea, there would be found a difference of only one per cent, the duty proposed by the member for Montreal being greater by that extent. The objection to the duty proposed by the Inspector General had been sufficiently answered already. When the duties on tea were collected in Lower Canada in the *ad valorem* form, they were higher than at present. He affirmed this deliberately, and was prepared to show his calculations to the member for Maskinonge in proof of his position, and he could exhibit to the member for Montreal letters from eminent merchants approving of his (Mr. Cartier's) views as already enunciated. The duties on inferior sugar, as proposed by the Inspector General, were 29 per cent, those of the member for Montreal 30 per cent. This article and that of the inferior kinds of sugar were extensively consumed in Lower Canada, and it would thus be seen that the member for Montreal was endeavoring to impose much heavier burdens on the people than the Inspector General desired. Then coming to luxuries, the Inspector General laid 40 per cent on cigars, the member for Montreal 30. The working people smoked few cigars, they were content with smoking their pipes, but the member for Montreal evidently desired to favor those who consumed those luxuries. The same might be said of snuff, which by the Inspector General was rated at 48 per cent, by the member for Montreal at 30 per cent. The tariff of the Inspector General did not increase the duty on cheap groceries, but increased it on the expensive kinds; and as the latter were used by the rich, he thought this discrimination would be approved; but the tariff of the member for Montreal reduced the duty upon all wines, so that the rich man could drink champagne upon as favorable terms, in as far as duty was concerned, as the poor man. Then by the tariff of the member for Montreal, an increase in the price of goods was followed by a corresponding increase in the duties; whereas by that of the Inspector General, the duties remained the same, and the articles of foreign imports would only be enhanced in cost by the rise which might take place in the country which produced them. Now there was very little prospect that foreign manufactures would decrease in price, for the return of peace and prosperity would occasion a demand for them, so that in this point of view

the duties proposed by the Inspector General were in favor of the consumer. The system of *ad valorem* duties had been found most demoralising in the United States, and we ought to be careful how we adopted it. The articles of leather manufacture received protection because we produced them, and had a very large consumption, and he hoped the member for Maskinonge would not be indifferent to this fact. There was a proper limit to protection, however, and European natives had of late years seen the advantage of favoring free trade. In Great Britain since the adoption of this system the wages of working men had increased 75 per cent, whereas their savings had more than doubled, for it was found that the deposits in the Savings' Bank had increased from £450,000 to £1,000,000. He did not say this to eulogize the working men, for unfortunately they still consumed a great part of their savings in strong drinks. From the state of England in respect of free trade, he examined the condition of France and found precisely similar results, though not to the same extent; and in Massachussetts he had found that while under a high protective tariff, a young girl received in the factories \$4 a month, she paid 75 cents a yard for calico, whereas now under a different system, she earned \$2½ and \$3 a week, and bought the same yard of calico for 15 cents. The same progress could be based in the value of slaves and their labor, and it was well known that with this advance, the slaves themselves were better treated. Three or four years hence the tariff of the United States would be much modified, and will not be quoted as evidence in favor of protection.⁴⁸

MR. A. DORION. — The honorable Provincial Secretary had said that the United States were about to abandon their tariff, but such was not the case. There were two tariffs as stated by the honorable gentleman, but both of them were in the *ad valorem* form. For ten years the tariff had not been changed there, and the demand for an alteration was not because there was a disposition to adopt specific duties, but because there was an excess of money in the Treasury. But neither of these tariffs will pass; yet it was probable, the duties would be considerably reduced. The effect was to classify⁴⁹ all articles of import under three or four heads⁵⁰, and to facilitate the collection of the Revenue. Here we had 25 or more classes of goods, and there was a strange discrepancy in some of the duties. For instance, Brandy was rated at 40, and Gin 130 per cent. The Provincial Secretary had objected to the duty on Snuff, Cigars, and other things; but the whole amount of the importation of these made but an insignificant sum. There was, however, a principle in the tariff of the member for Montreal, whereas there was the total absence of any thing like principle in that of the Inspector General. If the several kinds of Tobacco were taken together, it would be seen that the average was greater in the tariff of the member for Montreal than in that of the Government. The honorable Provincial Secretary had made a good deal of the difference against Lower Canada in the article of molasses, but that item was not by any means a very heavy one. The whole import amounted to £63,365, will be a grossed £136,936.⁵¹

MR. PROV. SEC. CARTIER. — The hon. member forgets to state that the former article is used by the poor exclusively, while the rich consume a great deal of the Tea stated, and even upon Tea the tariff of the Inspector General is one per cent. less than that of the member for Montreal.⁵²

MR. A. DORION. — The tariff of the member for Montreal only added 4 per cent., and molasses was a cheap article which would well support the duty proposed. The duty on sugar was proposed to be levied on the value, and that was certainly the most equitable method, the consumer could pay precisely in the ratio of what he used. Speaking of liquors, the Provincial Secretary had said it was right to tax liquors high; well liquors were luxurious, and the member for Montreal offered to tax them 100 per cent. He called the attention of Temperance men to this [Mr. Cayley's] proposal, as not calculated to advance the moral welfare of the country. In the United States these articles were taxed 100 per cent, and the tariff now before the Senate did not change the rate, but in the face of the declaration of the Provincial Secretary, that liquors were to be heavily taxed. The duty the Inspector General proposed was only 40 per cent., except on Gin, which for some unaccountable reason was charged with 130. On Tea

imported by American vessels directly from the place of growth, there was no duty at all; but when imported in other vessels, and from other places than the country producing them, there was a duty. In this way American ships were favored. The tariff of the member for Montreal went for the reduction of the duty on light wines, which would have the effect of substituting them for ardent spirits now so generally used and which were so injurious to the health and morals of the working classes. The tariff of the member for Montreal would not very seriously decrease the aggregate amount of duties, and taking the probable increase of the Revenue from next year's business. With respect to the objections against *ad valorem* duties, the honorable Provincial Secretary had himself been in favor of them, but he had changed his mind.⁵³ It had ever been the policy of the reformers of Canada to adopt *ad valorem* duties. In 1848, when the Hon. Mr. Hincks came to power, he changed the tariff, in most respects, from specific to *ad valorem*, leaving the former duties on some of the leading articles of import.⁵⁴ But as a party, the liberals were in favor of *ad valorem* duties. He (Mr. Cartier) refused to discuss this subject, he evaded it, because, doubtless he found it difficult to withstand the arguments in its favor. He merely said that *ad valorem* duties gave opportunities of fraud, but it was quite possible to prevent fraud in this mode of collecting the Revenue as in others. But if the system did induce fraud, why was it that three-fourths of the Revenue was thus collected. If specific duties were hard as applied to dry goods, they were bad as applied to groceries and every thing else. Another argument was that when goods increased in price, the duties by the *ad valorem* principle would also increase. This was a singular objection. When goods increased in price the consumption decreased, and of course the duties upon them should increase in the ratio of their cost, so as to keep them at the same figure, for it was clear, that if the duties were specific, and the quantities imported fell off, the duties would fall off also. He agreed with the member for Maskinonge, that changes in the tariff were most ruinous, and ought only to be ventured upon with extreme caution.⁵⁵ He contended this was a Lower Canadian question, as tending to promote the trade of the St. Lawrence, and give a revenue to the public works, while it did no injury to the people of Upper Canada. If he thought it would operate unfairly against the latter, he would vote against the proposition of Mr. Young.⁵⁶ He hoped the members from Lower Canada would show their appreciation of the unanswerable arguments in favor of *ad valorem* duties, and vote accordingly.⁵⁷

MR. YOUNG stated, in reply, that he was sorry the hon. Provincial Secretary did not produce these letters from highly influential merchants, against the system of *ad valorem* duties, which he stated he had in his possession. He would say that if that hon. gentleman only took the trouble to look further in his department, he would find there, memorials extending over a period of four years, condemnatory of the system of specific duties. The Board of Trade in Montreal and Quebec also condemned the system of specific duties, pointing out that under that system the trade of Canada was fast flowing into other channels. In reference to the system pursued in the United States he would again remark, that it also, was an *ad valorem* system, and had been unchanged since 1846.⁵⁸ And the efforts made to change it, were not to depart from the *ad valorem* system, but to make it more effectual, and to secure it better against the possibility of fraud. He contended that the specific system pressed more hardly on the poor than on the rich, besides driving our trade out of its natural channels through the United States.⁵⁹ [He] thought the Inspector General and Provincial Secretary had shirked the question of the importation of tea in Upper and Lower Canada respectively.⁶⁰ It was unfair ... that the people of Lower Canada should pay the same duty on the inferior article they consumed, as was paid on the superior article consumed in Upper Canada. Thus the average value of the tea consumed in Lower Canada was 1s 2d per lb; in Upper Canada 1s 9d, or 50 per cent. more; yet they paid, under the Inspector General's system, the same duty of 2½d per lb. And the average value of cigars consumed in Lower Canada was 5s 1d per lb; in Upper Canada, 8s 3d — yet the same duty was charged on both.⁶¹ He would be the last to do anything unfair towards the people of Upper Canada. He had done as much as any man to defend their interests. Rather than impose unfair duties on them he had left his place in the Government. He did not confine his calculations to one year but had extended them to three years, '53, '54, and '55.⁶²

Six o'clock having arrived, MR. SICOTTE the SPEAKER left the chair.⁶³

After the recess,⁶⁴

MR. YOUNG continued his remarks.⁶⁵ He did not know on what grounds the Inspector General founded his accusation that the *ad valorem* system led to false invoices. Could he cite any cases in which the false invoices had been used in Canada by Canadian merchants, though two-thirds of duties under the old tariff were *ad valorem*. In all his experience he was proud to believe that he knew⁶⁶ of but one instance — and that was disputed — of any Canadian merchant having given a false invoice. He believed that the mercantile community of Canada were not second to any community in the world, in respect to uprightness and honesty (hear, hear).⁶⁷ He (Mr. Young) had principally complained that the system of specific duties diverted trade into unnatural channels. Lower Canadians are constantly taunted⁶⁸, both in that House and out of it, with a want of energy and activity; and it was also stated that it was in consequence of the absence of these qualities that they were unable to compete with the merchants of the United States for a fair share of the Trade of the St. Lawrence. Now, he would deny both of these assertions. They were utterly unfounded in fact.⁶⁹ The decline of the St. Lawrence trade was owing altogether to other causes. He had heard remarks, too, about the tug service on the St. Lawrence, and the ocean steam service, as being only beneficial to Lower Canada. He contended that Upper Canada importing houses, of which Canada might well be proud would be as much benefitted by those steamers as any lower Canadians. The lighthouses in the gulf would benefit them too, just as lighthouses in Lake Huron would benefit Lower Canada trade. He disliked to hear those narrow, sectional views expressed. There was the Victoria Bridge again, which was very often called a Montreal work. It was in reality much more an Upper Canada work. Montreal happened to be at the only part where the St. Lawrence could be bridged below the falls of Niagara. He did not think the bridge would be any benefit to Montreal, but to Upper Canada as lessening the cost of transport to the Upper Canada producer 1-5th of the whole cost of transport from Montreal to Portland — for crossing the river it cost 10 cents to take a barrel of flour across not two miles, and only 50 cents all the way to Portland. He would wish to see the union cemented between Upper Canada and Lower Canada,⁷⁰ and he hoped the time was not far distant when such observations would cease to be made. In dealing with general questions of such magnitude there ought, surely, to be an end put to the raising up of those sectional differences. The interests of both Provinces were identical, and therefore the sooner all those comparative statements respecting the amount expended on the great public works in Lower Canada ... were put an end to, the better.⁷¹ Anything which promoted the prosperity of part, should be considered of benefit to all.⁷² He held that the principle of *ad valorem* duties was sound, and that it had not been controverted by any statements that had been made on the other side.⁷³

MR. HOLTON said [that after] the very able speeches made by his colleagues, exhausting as they did the whole subject, and no attempt having been made to answer the arguments by the other side of the House, nor to reply to the very eloquent speech of the hon. member for Maskinonge, to which he had listened with great attention, he would not occupy the time of the House to any length. The Inspector General in approaching this subject tonight has pursued the same course which he did on former occasions. He has not attempted to touch upon the principles involved in the tariff of the country. He has not shown any reason for singling out two or three of the minor manufactures of the country to be favored by this scheme, while other manufactures are placed in a worse position than they now occupy. The Inspector General gives no explanation, nor has he vindicated the necessity of this measure, although he has been called upon to do so. He has utterly failed to make out any argument for increasing the taxes of the people. But this much he has done; he has grown eloquent upon the subject of starch and paper. The whole burden of his speech was in reference to two articles of import, the one yielding £700, the other very little more. A tariff brought in in this spirit might immortalize a Finance

Minister of Lilliput, but he doubted very much whether the members of this House would come to the conclusion that it was such a tariff as should come from the Finance Minister of this great country.⁷⁴

MR. AT. GEN. J.A. MACDONALD. — We are listening to the Brobdi[n]gnag members on that side of the House.⁷⁵

MR. HOLTON. — The Inspector General says the average duty on tea imported into Montreal in 1854 was 2¾d. per pound under the old system, while he proposed to levy a duty now of 2¼d.; and he puts it to his Lower Canadian supporters to consider whether the charge of taxing unduly Lower Canada and relieving Upper Canada was a just one. The fallacy of the statement was obvious. The proposition of his hon. friend [Mr. Young] was that of laying on duties upon teas and all other articles according to their value. That inasmuch as the bulk of the teas consumed in Lower Canada are of a cheaper description than those consumed in Upper Canada, it was unfair to tax those cheaper teas at the same rate as the higher priced teas, which are used in Upper Canada. The Inspector General did not attempt to meet that point. Then he says the statement of the hon. member for Montreal is produced upon the high value of 1855. Surely this statement if it tells against his hon. friend's argument, would tell with equal force against the Inspector General's argument. Then with regard to raw sugar, he says the hon. member for Montreal proposes a higher rate of duty on this article of necessary consumption — for it has ceased to be a luxury, than the Inspector General does. He (Mr. Holton) believed the hon. gentleman was mistaken in this, for he thought the two propositions would give the same result. He would admit that both propositions are too high; he would wish to see a much lower rate of duty than either of them proposed, but the difference between the two was this: that while his hon. friend proposed to apply a correct principle to the taxation of the country, the Inspector General proposes to apply a false and exploded system of taxation. The *ad valorem* principle he [Mr. Holton] believed to be the only true one, and there has been no attempt to show that it was not. The Inspector General admits that it is correct in theory, his only objection to it being that frauds are more frequent under *ad valorem* than under specific duties. He seems to forget this fact, that he himself by this very tariff proposes to continue the *ad valorem* principle upon nearly six-sevenths of the whole taxation of the country. He thought it would puzzle the Inspector General or any hon. member to show that fraud was more likely to arise in the articles of tea and sugar and brandy, than in the whole list of articles to which the Inspector General proposes to apply the specific principle. It would puzzle the Inspector General to show that there was greater difficulty in fixing the prices upon these articles than upon all the other things to which the principle of *ad valorem* is applied. It would be easy to show that specific duty was a fraud upon the consuming classes of the community; and the only reason urged for the adoption of a principle so obnoxious, is the difficulty of fixing the prices of the articles. But the question has another aspect. He believed that it had been the policy of all commercial countries, and he thought it should be of this country, to encourage — not to favour by bonuses and discriminating duties — but to encourage by the application of sound commercial principles the foreign trade of the country.⁷⁶ If that could be done by the proposed system of *ad valorem* duties,⁷⁷ why should the Inspector General persist in making the merchants of this country the mere huxters, as the hon. member for Maskinonge had said — the mere peddlers for the wholesale dealers in New York. Why not build up the trade of this country with the wholesale profits as well as the retail profits of the trade. He maintained this principle in no sectional spirit. It was well known he had opposed himself to the great bulk of the people both in this House and out of it by advocating a commercial policy not divided by sectionalism. He would maintain that the sound principles of commercial policy applicable to the whole country will incidentally benefit all the merchants of the country, no matter to what section they belong; and as a matter of justice that principle should be adopted.⁷⁸ It was those who opposed the *ad valorem* system who took a sectional view of the matter. The whole argument here had been Montreal against New York; and with the patriotism which characterized many hon. members from this part of the country, and especially hon. members opposite,

New York was given the preference. Whatever might have been his political antecedents, with which hon. members liked to taunt him,⁷⁹ he did not wish to see this country becoming commercially tributary to New York, but desired to see a national policy — a Canadian policy adopted — upon which, by showing favour to none, they would extend perfect equality to all.⁸⁰ It was hon. gentlemen opposite who were bringing on annexation to our neighbors. He could not agree with all the propositions of Mr. Young.⁸¹ He was inclined to think that his friend's tariff was rather high. He went with him, however, on the great principle at issue between him and the Inspector General; but he believed they both proposed to levy too large a share of the revenue of the country upon special articles. He would reduce the rate of duty upon the great bulk of the articles imported, making a considerable increase upon ardent spirits, and some other articles of doubtful utility, and upon all articles of luxury. — He (Mr. Holton) had very attentively listened to the remarks of the Provincial Secretary in order to ascertain, if possible, whether he had anything to say in favor of the principle of specific duties. But the hon. gentleman carefully eschewed that principle, devoting his time to a consideration of the permanency which ought to characterize our commercial legislation. He stated that there were moreover three propositions now before Congress to change the tariff, which had been unchanged for the last ten years. That there had been such propositions before Congress, he (Mr. Holton) would not deny, but the real question is, will any of these propositions be adopted? or will they follow the same course as all the other attempts to change Mr. Walker's tariff, which have been made since 1846. But he believed that the propositions⁸², all based on the *ad valorem* system,⁸³ were not changes; but were merely adjustments, and reductions of the revenue. He regretted that the Provincial Secretary did not think proper to explain the circumstance which had been referred to by the hon. member for Maskinauge [sic] — the charge of violating that secrecy which should characterize the decisions of the Cabinet. In a charge of this nature, which has been brought against him by two journals of Montreal, and which had been brought to his attention by him ... [Mr. Holton] as well as by the member for Maskinonge — some explanation was due. But if the Provincial Secretary declines, the inference that will go to the country will be that he admits the charge, and the hon. gentleman's colleagues admit the correctness of the charge also.⁸⁴

MR. INSP. GEN. CAYLEY. — Has the hon. gentleman any objection to take the English mode of fixing the *ad valorem* duty?⁸⁵

MR. HOLTON. — When the Inspector General brings down his measure for that purpose he would favor him with his views upon that as well as upon all other matters.⁸⁶

MR. STEVENSON defended the scheme of the Inspector General. In regard to the question of fraud, he knew that in the case of goods entered by American traders under the *ad valorem* system, a true invoice was the exception, instead of being the rule. It had been said that specific duties were founded in fraud. He did not think so. It was quite the other way.⁸⁷ [He] quite agreed with one of the hon. members opposite that the *ad valorem* system would rather benefit the United States than the Lower Canadians. He was as much in favor of the St. Lawrence route as any man. He did not believe that the teas imported into Lower Canada were an inferior description of teas. They might have been entered at a lower price. Certainly that portion coming from China would have been. Specific duties acted more fairly in this, that they were not increased when prices rose, as *ad valorem* duties did — still farther enhancing the price. The specific duties kept the revenue as regular as possible without creating additional inconvenience when high prices came. The hon. gentleman [Mr. Young] would lead the House to believe he was going to make up for other deficiencies in the revenue, by a very heavy duty on spirits. The fact was the scheme would not increase this portion of the revenue at all. With respect that two descriptions of manufactures had been placed on the list of 20 per cent duties, he thought the only ground of complaint was that a great many more had not been placed there.⁸⁸

DR. T. FORTIER (in French) addressed the house briefly in support of the Inspector General's resolutions⁸⁹, arguing that the speeches of the members were rather attacks upon the Government than arguments in favor of *ad valorem* duties.⁹⁰

MR. ROBINSON supported the position which the Inspector General had taken, and in reply to the argument of the hon. member for Maskinonge (Mr. Turcotte) said that that hon. gentleman had quite failed in seating the blame upon the shoulders of the Inspector, that injustice was done to the people of Lower Canada. He thought that the present Government had gone as far as any previous one in increasing the trade on the River St. Lawrence. It had given a large bonus to a line of steamers to run fortnightly between Liverpool and Lower Canada, but even with that advantage neither Queber [sic] or Montreal could possibly be placed upon the same footing as New York and Boston, from which cities steamers went almost every day to Europe, and they got their goods there at a less expense than we could do by the St. Lawrence.⁹¹ We go to those places because we find it to our advantage to do so. If we had not gone to these ports, our spring goods would not have been here till June or July, when a great part of them should be sold. We sent last year 650,000 bushels of wheat to the United States, and only 55,000 to Montreal; but that did not arise from any affection for the Americans, but because it was our interest to do so. The hon. member for Maskinonge and many who echoed him, complained that the tariff proposed by the hon. Inspector General inflicted a hardship upon the poorer classes of the community in the Lower Provinces — to make it appear that the ministry are not favorably disposed towards his [Mr. Turcotte's] countrymen. The whole gist of that attack had been to damage the Government, instead of calmly treating the question in the line of a necessary measure of taxation devolving upon the hon. Inspector General without his own act or policy.⁹² He [Mr. Robinson] did not apprehend that the Government would be much affected by the opposition of the hon. gentlemen opposite, it would be quite strong enough to withstand all the powerful attacks of those hon. gentlemen. (Hear, hear.) He quite approved of the scheme submit[t]ed by the Hon. Inspector General, and he trusted that the amendment of the hon. member for Montreal would be voted down.⁹³

MR. JACKSON regretted that so many questions to be discussed in this House should be discussed from two points of view. It must be obvious that ... the discussion of a question of custom[s] duty as to how it would affect Upper Canada or affect Lower Canada was wrong.⁹⁴ (Hear, hear).⁹⁵ There was a great principle which lay at the foundation of all such matters, and he thought they should adopt some intelligible and equitable principle. It appeared to him that no principle was so equitable as one which recognized the value of the articles upon which the duty was imposed. In any tax affixed for municipal purposes, it is imposed upon the actual value of the property so assessed, and the duty of the assessor is to levy according to the value of the property. This principle is a sound one, and it is easily understood, and in fixing a tariff the same principle should be adopted. There was no doubt that the proper basis of taxation was that which recognized the value of the articles assessed⁹⁶. (Hear, hear).⁹⁷ It was equally clear that it was unfair that one article should be taxed to the same amount as another article three times its value. If there is a tax that falls heavily upon the poor man it is a specific duty. He was aware there was considerable difficulty in the way of estimating the value of articles or *ad valorem* duties, but if the principle is sound there must be some way of carrying it out. Once recognize the correctness of the principle, and there would be found some means of carrying it out. It is no matter what was the mode adopted twenty years ago — they must be guided by sound principle.⁹⁸ This proposition he considered so self-evident, as not to call for argument.⁹⁹ Without pledging himself, therefore, to the classification adopted by the hon. member for Montreal, he would support the principle of *ad valorem* duties, as there enunciated, in preference to the system of the Inspector General, which, in his opinion, was a fallacious scheme.¹⁰⁰ He ... would agree to going into committee at once in order to discuss the particulars on their merits.¹⁰¹

MR. BOWES had listened with great pleasure to the arguments used on both sides of the House, in support of *ad valorem* duties and specific duties respectively. And while the *ad valorem* principle was urged to secure to the St. Lawrence the trade of this country, he considered it a good thing, if they could accomplish it, but he did not see how, under present circumstances, this could be done. He contended that although the average price of tea, entered at Montreal last year, was 1s. 2d. a pound, and that the average price for Upper Canada was 1s. 9d. per pound it did not prove that Lower Canadians were not as capable of judging of the quality of tea as Upper Canadians, or that they drunk tea of an inferior quality — but to the fact that the tea entered at Lower Canada was imported direct from the place [sic] of growth, whereas that imported into Upper Canada came from the New York markets. It was the duty of every Canadian to foster the trade of this country, but he could not under present circumstances foster the trade by way of [the] St. Lawrence without sacrificing the Upper Canada merchants. But while he said this, he was in favor of the principle of *ad valorem* duties as being the only correct one. But it was impossible to force the trade of the country through the St. Lawrence, which was closed up for several months in the year [sic]. He would admit that the hon. member for Montreal was correct in regard to the great works of this country. He would admit that the Victoria Bridge was as much a work of Upper Canada as of Lower Canada, and every improvement upon the St. Lawrence and upon the canals is as much in favor of Upper Canada as of Lower Canada.¹⁰² (Hear, hear.)¹⁰³ Our interests ought to be identical, and they are identical if they were viewed on that broad principle which should characterize the merchants of this country.¹⁰⁴ But he did not agree in the resolutions which that hon. gentleman [Mr. Young] had given in support of that idea.¹⁰⁵ It was impossible to confine the trade of Upper Canada to the St. Lawrence and thus shut them out of an eastern market for four monthr [sic] in each year. But when the Grand Trunk Railroad was completed, there would be a difference, because Upper Canadian merchants would find that the most direct route to the seaboard. But at present they could not consent to wait until the month of May or June for their spring goods, when by the other route they can get them in January or February. He was prepared, however, at present to vote for the tariff of the Inspector General¹⁰⁶. He thought that the hon. gentleman had considered and carefully studied the interests of the majority of the people of this country by his Tariff — (hear, hear,) — and especially those of the poor, by putting a smaller duty upon articles consumed chiefly by them, and upon those of luxury, used by the opulent, a high duty.¹⁰⁷ His (Mr. Bowes') own principles were protective but at the same time he knew very well, that only about 5 per cent. of the people of this country were in favor of protection, and that the 95 per cent. of the population would never submit to any thing but free trade, and he of course bowed to the will of the majority. He would, therefore, support with great pleasure the whole of the tariff as proposed by the Inspector General.¹⁰⁸

The amendment of the hon. member for Montreal (Mr. Young) to the resolutions of the hon. Inspector General, was then put¹⁰⁹.

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The Honorable Mr. Young moved in amendment to the Question, seconded by Mr. Brown, That all the words after "now" to the end of the Question be left out, in order to add instead thereof the words "recommitted to a Committee of the whole House, with a view to consider of adopting the following in lieu thereof: —

"1. That [it] is expedient to repeal all Specific Duties of Customs imposed by the Act 18 Vic. cap. 5, and the Schedule thereunto annexed, or Table of Duties of Customs inwards, annexed to the said Act, on the following articles: — Sugars of all kinds, Molasses, Tea, Coffee, Tobacco of all kinds, manufactured or unmanufactured, including Cigars and Snuff, Wine of all kinds in wood or in bottle, Whiskey, Rum, Geneva, Brandy, and other Spirits or Strong Waters, except Rum and Whiskey Spirits, Cordials and Liqueurs sweetened and mixed with any article so that the strength cannot be ascertained by Sykes' Hydrometer, Almonds, Currants, Figs, Nuts, Prunes, Raisins, and other dried fruits, Pimento, Allspice, Pepper, Cassia, Cinnamon, Cloves, Ginger, Mace, Nutmegs, Macaroni, Vermicelli, all unenumerated Spices, and Vinegar, with a

view to the better adjustment of the Tariff, by imposing *ad valorem* Duties only on the said articles.

"2. That it is expedient to impose the following *ad valorem* Duties of Customs inwards on the articles mentioned in the preceding Resolution: — Sugar Refined, in loaves, Crushed or Candy, Sugar, Raw, Bastard, and other kinds; Molasses, Tobacco, manufactured or unmanufactured, other than Cigars or Snuff, Almonds, Currants, Figs, Nuts, Prunes, Raisins, and other dried fruits, Pimento, Allspice, Pepper, Cassia, Cinnamon, Cloves, Ginger, Mace, Nutmegs, Macaroni, Vermicelli, all unenumerated Spices, and Vinegar, thirty per cent.; Whiskey, fifty per cent.; Tea and Coffee, ten per cent.; Wine of all kinds in wood or bottle, twenty per cent.; Rum, Brandy, Geneva or Gin, and other Strong Waters or Spirits; and Cordials, Liqueurs, and Spirits sweetened or mixed with any other article, one hundred per cent.; Cordage of all kinds (not imported expressly for the use of Ship-Builders,) twelve and a half per cent.

"3. That it is expedient to repeal the Duty of twelve and a half per cent. *ad valorem*, now imposed by the Act 12 Vic. cap. 1, on Earthenware, Crockery, and Rice.

"4. That it is expedient to increase the Excise Duty on Whiskey from one penny per gallon to the rate of three pence per gallon, of *Sykes' Hydrometer proof*;"

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

(397-398)

YEAS.

Messieurs Aikins, Biggar, Bourassa, Brown, Bureau, Casault, Chapais, Christie, Charles Daoust, Darche, Delong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Ferrie, Foley, Frazer, Galt, Gould, Holton, Huot, Jackson, Jobin, Laporte, Mackenzie, Marchildon, Merritt, O'Farrell, Papin, Patrick, Prévost, Rolph, Sanborn, Scatcherd, Turcotte, Valois, Wright, and Young. — (38.)

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NAYS.

Messieurs Bell, Bowes, Brodeur, Cartier, Cauchon, Cayley, Chabot, Chisholm, Church, Clarke, Conger, Crawford, Cryslar, Jean B. Daoust, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévrement, Labelle, Larwill, LeBoutillier, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, McCann, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, Murney, Niles, Polette, Poulin, Powell, Price, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Spence, Stevenson, Supple, Taché, and Yeilding. — (56.)

So it passed in the Negative.

And the Question being again proposed, That the said Resolutions be now read a second time;

MR. C. DAOUST wished to propose an amendment to the effect, that Molasses should be placed at a duty of 15 per cent, and also ... common Sugars. He was not a very practical man in this matter, but he thought that the system of *ad valorem* duties for the most, just in principle, if not the most effectual also in practice.¹¹⁰

MR. PROV. SEC. CARTIER. — The hon. member should withdraw his motion, for he thought he [Mr. C. Daoust] had not understood that the increased duty on this article was only 17 per cent.¹¹¹

MR. HOLTON. — The amendment had reference to sugars also.¹¹²

MR. PROV. SEC. CARTIER ... proceeded to say that the difference of the duty proposed was only two per cent. The Molasses consumed in Upper Canada was of a superior kind, but $\frac{2}{3}$ of the whole of the article was used in Lower Canada.¹¹³

MR. C. DAOUST. — By the *ad valorem* system the proper proportion would be ascertained and paid.¹¹⁴

MR. PROV. SEC. CARTIER. — By putting a specific duty, the importer would find it [in] his interest to provide a better kind of molasses instead of [an] inferior quality, as he would most likely

do under the *ad valorem* system. The rates now proposed were actually less, even with the proposed increase, than they were in 1850.¹¹⁵

MR. HOLTON congratulated the Provincial Secretary on having made a great discovery in political economy, having argued that an *ad valorem* duty was greater on a low-priced article than on a high-priced article. (Laughter.) The whole burden of his argument was that it would be unfair to the Lower Canadians to charge the same per centage on the low-priced molasses which they consumed as on the high-priced molasses consumed in Upper Canada — while every novice in political economy was aware that it was under specific duties that a low priced article was too highly taxed. He also took this opportunity of again calling on the Provincial Secretary to explain how he had violated his oath of secrecy as a member of the Cabinet, in prematurely communicating to certain parties the intentions of the Government as to the period when the new tariff was to come into operation.¹¹⁶ He denied that he had attacked the Provincial Secretary in his absence, as when he spoke of that he was not aware he [Mr. Cartier] was not in the House, when he spoke, as he had seen him just before, and it was not his fault if he (Mr. C.) was not in his place. He did not hold the Ministry personally responsible for the acts of any one of them. If the hon. gentleman would give an explanation then he would hear no more from him on the subject, but till he did so he would not fail to bring up the matter.¹¹⁷

MR. PROV. SEC. CARTIER said the hon. member had misrepresented or misunderstood what he had stated in regard to the duty on molasses. What he had said was that the consumer of low priced molasses would gain nothing, for the high-priced molasses would be got in under false invoices.¹¹⁸

MR. TURCOTTE, having heard the Provincial Secretary's former speech, said that the member for Montreal had perfectly understood it, although delivered in French.¹¹⁹ The Provincial Secretary had in the first place argued that the people of Lower Canada consumed a greater quantity of an inferior sort of molasses than the people of Upper Canada, and that they would pay less with an *ad valorem* than with a specific duty on this larger quantity of low-priced molasses; and that the specific duty would be better for Lower Canadians. That was a queer specimen of argument. With respect to the other more important matter, he contended that the Provincial Secretary ought to answer how it was that he had been able to write to his commercial friends in Montreal private information on the intentions of the Government, which was concealed from the public at large, thereby giving them an unfair opportunity of making money. If he had no explanation to give, he [Mr. Turcotte] had no longer any confidence in him as a member of the Government. — He [Mr. Cartier] might, if he had nothing better to say, confess that he had made a mistake, but to refuse all explanation was to refuse to treat that House with the respect due to it.¹²⁰

MR. PROV. SEC. CARTIER again rose and commenced to give his reasons for opposing an *ad valorem* duty on sugar.¹²¹

MR. HOLTON rose to order. If the honourable gentleman had any personal explanation to offer, he might be heard, but it was not competent for him to speak a second time on the question before the chair.¹²²

MR. PROV. SEC. CARTIER. — I am going to give a personal explanation. The member for Maskinonge has taunted me for not having answered Mr. Holton, and I wish to explain.¹²³

MR. TURCOTTE said he had not taunted the Provincial Secretary for not answering about molasses — (laughter) — but for not having answered to a charge of having violated a great constitutional obligation.¹²⁴

MR. PROV. SEC. CARTIER again took the floor, and was proceeding to allude to Mr. Turcotte's statement, that he had lost confidence in him¹²⁵ —

MR. TURCOTTE ... [interrupted the hon. member and] repeated that he had not lost confidence in the Provincial Secretary on a question of sugar, but on a constitutional question.¹²⁶

MR. PROV. SEC. CARTIER ... [made] some further remarks on sugar and molasses¹²⁷. [He] had only argued that under an ad valorem system the promised advantage to Lower Canada would be illusory, for the entries of the better qualities in Upper Canada would be so much under the right value as to make the duty which would be levied alike on that consumed in Upper and Lower Canada. The effect would therefore be that the inferior description consumed in Lower Canada would pay the same scale of duty as the superior quality in Upper Canada. With regard to the other question, if the hon. member for Maskinongé withdrew his confidence, it would of course be a misfortune.¹²⁸ [But] he would defer his explanations about the telegraph he had sent to Montreal till the motion came up, of which Mr. Holton had given notice. (Oh, oh.)¹²⁹

MR. MARCHILDON then delivered his sentiments, in French, on the molasses question, and expressed himself in favour of any system which would make that article cheap.¹³⁰

The amendment was then put¹³¹.

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Mr. Charles Daoust moved in amendment to the Question, seconded by Mr. Prévost, That all the words after "now" to the end of the Question be left out, and the words "recommitted to a Committee of the whole House, with Instructions to amend the same, so as to reduce the Duties upon Raw Sugar and Molasses to fifteen per cent. *ad valorem*" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Aikins, Biggar, Bourassa, Brown, Bureau, Chapais, Christie, Charles Daoust, Jean B. Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Ferrie, Foley, Frazer, Galt, Gould, Holton, Huot, Jackson, Jobin, Mackenzie, Marchildon, O'Farrell, Papin, Patrick, Prévost, Sanborn, Scatcherd, Southwick, Turcotte, Valois, Wright, and Young. — (35.)

NAYS.

Messieurs Bell, Bowes, Brodeur, Cameron, Cartier, Cauchon, Cayley, Chabot, Chisholm, Church, Clarke, Conger, Crawford, Cryser, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Labelle, Larwill, LeBoutillier, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, McCann, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, Murney, Niles, Polette, Poulin, Pouliot, Powell, Price, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, Spence, Stevenson, Supple, Taché, and Yeilding. — (54.)

(399)

So it passed in the Negative.

And the Question being again proposed, That the said Resolutions be now read a second time;

MR. BROWN rose to move an amendment. He wished to make one other attempt to induce the house to pause before imposing so large an increase on the burdens of the people, while not yet in possession of the expenditures on which the demand for that increase in the tariff was founded. He thought it ought not to require a single argument to induce the house to look well to the purpose to which money was to be applied ere consenting to raise it. Had they not seen how lavishly the public money had been spent during the last few years, from their not having looked with sufficient care into the propositions brought before them by the Government, and the expense they involved? But, if there had been

watchfulness required before, there was tenfold more reason for it now, when the Inspector General proposed an increase on the customs tariff of 25 per cent. The Inspector General estimated that the increased tariff would give him for the year, an additional £200,000 or £250,000; but this estimate was calculated upon the customs revenue of last year — which was a very poor one. They all knew that there would be a greatly increased revenue derived this year from the advancing prosperity of trade; and this increase upon last year coupled with 25 per cent. increased duties would produce no less a sum than £450,000 or £500,000. (Hear, hear.) He believed that statement would be sustained by every mercantile man on the floor of the house. He urged, therefore, that they should not move one step further than they had already gone, in enabling the Inspector General to get possession of that large sum of money, until he had shown in detail how he was to apply it. (Hear, hear.) He understood the estimates were now in the printer's hands, if not already printed; and it surely could not be necessary to appeal to the house, whether it was consistent with the respect due to themselves, or with the care they ought to exercise over the finances of the country, that they should grant such a large increase as this, without having seen the financial statement of the year. (Hear, hear.) Then, again, the house was aware that there was a proposition before the government with respect to the Grand Trunk Company; that there were gentlemen here applying for aid to that work; and as the Inspector General told them that this increase in the tariff was required to meet the demands of the Grand Trunk, he asked whether they would be true to the interests of the country, if they granted this increase, without having the government proposition in regard to the Grand Trunk before them. Unless they forgot entirely what had taken place during the last few years, they should not go one step further, without having the whole scheme clearly submitted and approved. Then there was another proposition, which could not be lost [sight] of. They were all aware that there was an influential body of the members of the house applying to the government for aid to another great work, the North Shore Railroad. (Hear, hear.) It was known that they had been plying the government very strongly on this subject within the last few days; and it had been said that one member of the Executive had been very near resigning upon it. On the other hand they had heard this evening that the whole matter had been arranged — all made placid — (laughter) — that every little difficulty had been smoothed over. It was really delightful to hear that this was the case, it was so very seldom that anything like harmony was known on the Treasury Benches. (Laughter.) But surely the house ought to know what was the intention of the house in regard to this work, as well as in regard to the Grand Trunk, before proceeding to increase the burdens of the people to the extent of two millions of dollars a year. Perhaps when the Government brought down their estimates, the house might disapprove of one or all of their schemes, and then in how beautiful a position would they stand before the country, having voted the money first, and afterwards thrown out the scheme for which it was acquired. (Hear, hear.) It was quite clear that the house, in justice to itself, should not change the whole commercial arrangements of the country, until they had seen and discussed for themselves and come to some deliberate conclusion, on those grand schemes for which the money was wanted, and until they knew the present state of the public finances. Was there a single member who knew at this moment how much cash the Inspector General had in the public chest? — what were the demands due upon it for the present year? and what surplus he would have to meet the Grand Trunk interest? (Hear, hear.) For aught that this house knew, there was enough money in the public coffers to meet every demand. He moved in amendment: —

“That the said resolutions be not now read a second time but that their further consideration be postponed until the Administration have submitted for the approval of this house their policy in regard to the Grand Trunk and North Shore Railways, and their estimates for the current year.”¹³²

MR. INSP. GEN. CAYLEY said that the honourable member for Lambton had always adopted the expedient of accusing the Government of delay upon every measure that they had brought forward, and the honourable member no doubt looked forward with hope that an accident might occur which

would change the present position of the ministry, and that honourable members opposite would take their places. (Hear, hear.) Now the public accounts had been in the hands of honourable members for some time, and he had on former occasions made financial statements with the view of placing honourable members in possession of the facts which led to his bringing forward his scheme at this time. It was in consequence of the call upon the Province produced by the position in which it was placed by the Grand Trunk Company, and he believed that he would be sustained in his course by the house. He had never received any help from the honourable member for Lambton since he had sat in that house, but the honourable member had indulged in prophetic announcements of what the revenue might be for this year. They were quite unfounded. It was a mistake to assume that the revenue of the next year would be more ... productive than the last.¹³³

MR. HOLTON supported the views taken by the hon. member for Lambton.¹³⁴ The complaint of obstruction on the part of the opposition was not well-founded. The opposition had only said "shew us, before you enforce this extraordinary scheme of taxation, what the exigencies of the public services require, how you intend to dispose of this money." The opposition would not protract the debate, but¹³⁵ it was the duty of hon. members to put upon the Journals of the house at every stages [sic] of this measure, that they protested against the proceeding of the Inspector General, until it should be shown what is intended to be done with the money, — (Hear, hear) — and until the estimates were before the house.¹³⁶ But the resolution went further, and referred to a matter which had occupied public attention for some days past. It was to have an end of caballing, &c. It was time for the Government to inform those who supported them in the House how they intended to deal with this interest; he referred to the North Shore Railroad.¹³⁷ (Hear, hear.)¹³⁸ He hoped the Government did not intend to get this money voted and then cheat their supporters out of the expected boon, after they had got a full chest to carry out their schemes. It was time all parties heard their pledges openly given in the House.¹³⁹ He would be mistaken indeed, if the hon. members who take an interest in the latter work, were any longer to be beguiled by the smiles of the Hon. Inspector General, — (hear, hear,) — knowing so well his power of fascination.¹⁴⁰

DR. CLARKE said if the Government intended to secure one vote that night, he would not press them upon the question, but he should like to know whether any of this money was going to be appropriated to pay the Grand Trunk Company or its contractors. (Hear, hear.) He had full confidence in the Government that they would appropriate the money in the way it should be, and for the credit of this country; but he did not think it would be for its credit if the money to be given to-night was to be expended upon broken down contractors and railroads. Should the Government for one moment swerve from the duty they owed to the country and the house by making an appropriation to this company or the contractors, they would lose his support.¹⁴¹

MR. TURCOTTE was precisely of the same opinion as the gentleman who had just sat down.¹⁴² [He] thought it unjust that this Grand Trunk Company should take £250,000 in an indirect way as proposed. The expression was not Parliamentary, but he would almost dare to say "that he smelt a rat." (Laughter.) But he would sustain any grant made by the Administration which would¹⁴³ maintain the credit of the country, or promote its interests, but he hoped they would hear nothing more of aids to the Company. The conduct of the Company just now looked very like taking the province by the throat. He did not like the mode in which the Government dealt with the North Shore Railroad — waiting to have everything forced from them piecemeal. He would like to see the ministry dealing with these matters in a more manly way and saying yes, frankly or no, distinctly, to the demands made upon them. They had strength enough in that House and could afford to do it.¹⁴⁴ Before proposing a modification in the tariff the Government should give explanations of what is to be done with these Public Works. He hoped the Government would not act as partizans in such matters.¹⁴⁵

MR. AT. GEN. DRUMMOND said the hon. member for Maskinonge might be assured that whatever the Government did would be the result of their own convictions of what is for the public good, not of any cabals, intrigues, or pressure from without.¹⁴⁶

MR. MACKENZIE hoped better of the House since the member for Wellington [Dr. Clarke], who had voted for all sorts of corrupt grants, had at last denounced any further aid to the Grand Trunk. The fact was,¹⁴⁷ we were fast going on towards Annexation with the States — (hear, hear,) — for nothing would hurry us into that sooner than extravagance. That was the hobby of the hon. gentlemen opposite, and therefore they were the Annexation party in that house. (Hear, hear.) But he would tell them that they cannot get any more out of the honest farmer's pocket. Day by day we had been getting [sic] deeper into debt, and money was now to be thrown away upon the Grand Trunk. It was very clear that the end of all this would be, that the Americans would before long be ready to give to the British Government a certain sum of money to buy us up, and when that took place nobody than the hon. gentleman [sic] opposite would be more ready for Annexation. (Hear, hear.) While the United States people paid not one penny duty on tea, and very little on sugar, the people of Canada were to be highly taxed for them. It was clear that hon. gentlemen opposite were not carrying out the interests of the people.¹⁴⁸

DR. CLARKE replied.¹⁴⁹

MR. BROWN said, the Inspector-General did not meet the proposition fairly. The question was this, Was the house warranted in making this large addition to the people's burdens, until the necessity of its expenditure had been determined? How had the hon. gentleman proved that the Grand Trunk Company required this money? By a letter of Mr. Benjamin Holmes! Nothing more. (Hear, hear.) And there was every reason to believe that the Company's coffers were not empty — that the immediate lack of money was not the difficulty. (Hear, hear.) By the letters just published, it would appear that the demand of the Company was to have the enterprise put upon a new footing, by which its financial credit would be restored! And yet the Inspector-General made the bankruptcy of the Company the plea for this charge [sic] on the tariff! The proposed increase in the tariff, as he had already shown, would amount to more than the £240,000, the total amount of the G.T.R. interest; and without knowing what is the true position of things, were hon. members to grant this demand? Would it be expedient to change the whole commercial arrangements of the country for so uncertain a purpose? How did they know that the scheme brought down by the hon. gentlemen on the Treasury Benches, was not with the view of making a new arrangement with regard to this Company? — and who could say what that arrangement was to be? (Hear, hear.) It was well known that the Government have before them a proposition for the final settlement of all the difficulties of this Company — and yet the House was to be asked to increase the burdens imposed upon the people of this country to the amount of £450,000 or £500,000 a year — and all because of the letter received from Mr. Holmes, the Vice-President. The importance of such subjects as this was not appreciated by many hon. members, and who, upon such occasions as the present, scarcely allowed their attention to be directed even to the discussion going on. In view of the fact that the present state of the finances of the country, and that the public debt of the Province had risen from £5,000,000 up to £15,000,000, that alone should make the hon. gentlemen opposite pause. If they were to be allowed to put new burthens upon the people on the mere verbal demand of the Inspector General, the affairs of the country would be brought into a condition which all would regret. He could not conceive that the house would support such a course. The hon. gentleman could lose nothing by delaying his tariff a few days; and meantime let the Inspector-General bring down his estimates and his policy with regard to both the Grand Trunk and North Shore Railroads. This tariff measure was to be pushed on in this manner in advance of all other measures. Where were all the Education Bills, the Police Bill, and other measures of the hon. gentlemen opposite? Was not this the very last thing that should be brought on? But he could remind hon. members that their constituents

were on the look out to see what part they were taking upon this matter, and they had better weigh well the course they took.¹⁵⁰

DR. SOUTHWICK did not see the necessity for raising this amount of money, and, though he had voted for going into Committe[e], would vote against proceeding further with the matter.¹⁵¹

The vote was then taken on Mr. Brown's amendment¹⁵².

(399)

Mr. *Brown* moved in amendment to the Question, seconded by Mr. *Antoine Aimé Dorion*, That all the words after "That" to the end of the Question be left out, and the words "the further consideration of an increase of the Customs Tariff be postponed until the Administration have submitted, for the approval of this House, their policy in regard to the Grand Trunk and North Shore Railways, and their financial statement for the current year" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Biggar, Bourassa, Brown, Bureau, Christie, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Evanturel, Ferrie, Foley, Frazer, Galt, Gould, Holton, Huot, Jackson, Laberge, Mackenzie, Marchildon, Matheson, Niles, Papin, Patrick, Prévost, Rolph, Sanborn, Scatcherd, Southwick, Turcotte, Valois, Wright, and Young*. — (37.)

NAYS.

Messieurs *Bowes, Brodeur, Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Conger, Crawford, Crysler, Daly, Jean B. Daoust, Dionne, Dostaler, Attorney General Drummond, Dufresne, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Labelle, Larwill, LeBoutillier, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, McCann, Meagher, Joseph C. Morrison, Angus Morrison, Murney, Polette, Poulin, Powell, Price, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, Spence, Stevenson, Supple, Taché, and Yeilding*. — (51.)

So it passed in the Negative.

Then the main Question being put; the House divided: — And it was resolved in the Affirmative.

The said Resolutions being read a second time, and the Question being put, That this House doth agree with the Committee in the said Resolutions; the House divided: — And it was resolved in the Affirmative.

MR. MACKENZIE, amidst a good many interruptions, made some additional remarks, contending that not an additional penny of tax was required. There were quite sufficient means in the Treasury for every demand that could be made upon it.¹⁵³

MR. INSP. GEN. CAYLEY then asked for leave to introduce a bill founded on the Resolutions.¹⁵⁴

In answer to MR. HOLTON,¹⁵⁵

MR. INSP. GEN. CAYLEY ... stated that it was intended to take operation from and after the 15th June, 1856.¹⁵⁶

MR. HOLTON called the attention of the House to the fact, that this date exactly corresponded with the date mentioned in the telegraphic despatch to Montreal, of the hon. Provincial Secretary. (Laughter.)¹⁵⁷

(399)

Ordered, That the Honorable Mr. *Cayley* have leave to bring in a Bill to amend the Acts relating to Duties of Customs.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

On motion of MR. INSP. GEN. CAYLEY,¹⁵⁸

(399)

The House, according to Order, resolved itself into a Committee to consider of a Resolution to impose an additional Excise Duty on the manufacture of Whiskey; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Sidney Smith* reported, That the Committee had come to a Resolution.

Ordered, That the Report be received To-morrow.

On motion of MR. AT. GEN. J.A. MACDONALD¹⁵⁹,

(400)

The House, according to Order, resolved itself into a Committee to consider the expediency of appropriating a certain sum of money for a term not exceeding five years, to defray the Expenses of a Geological Survey of this Province;

MR. AT. GEN. J.A. MACDONALD briefly explained ... the object of his present motion.... When the Act establishing a Geological Survey for Canada was passed, a grant for the purpose of prosecuting the survey extended to five years, and at the expiration of that period, was renewed for an additional five years — which term expired on the 1st of January last. Since that time the grant had not been renewed, so that unless a sum were again voted by that House, the survey would become extinct. It would be unnecessary for him to call the attention of hon. gentlemen to the benefits which had accrued to this Province from the masterly and careful manner in which this survey had been hitherto carried out. (Hear, hear.) Sufficient testimony had been borne to these facts, in the Paris Exhibition, last year — where the mineral and geological wealth of Canada had appeared to such advantage, through the exertion and talent of Sir William Logan. (Hear, hear.) For these services, Sir William was entitled to the thanks of that House and of the country. The special Committee which had been appointed by the House last year, had prepared a very favorable report on the Geological Survey of Canada. He would only refer to it because he felt quite satisfied it would be a matter of much pride, that the efforts of the Provincial Geologist had been crowned with such success. Sir William had prosecuted that survey in the face of numerous and great obstacles. When it was just established, much of his time was wasted away in consequence of being unable to procure the necessary funds in order to secure the services of an efficient staff. Hence he was frequently obliged to assume the office of chain-bearer as well as chemist in instituting his researches. Now, he felt certain, the House would agree with him that the time had arrived when this survey should be carried out, on a much larger and efficient scale. It was of great importance that the present generation should have the advantage of knowing the resources of this country — that those benefits should not be solely derivable by their children. If this survey were not now pushed vigorously forward, it would be many years before it was completed. It is therefore proposed to get an additional assistant and have the survey fully and energetically carried out. Under these circumstances he had no doubt that the Committee would agree with him, in voting an additional £3,000 to this work — thus making the sum £5,000 instead of £2,000 as heretofore; and at the expiration of the term of five years he hoped to see that the benefit derivable by the Province from the survey, would more than counter-balance the outlay incurred.¹⁶⁰

MR. LARWILL thought the motion might be improved. He had no doubt of the utility of the survey, but he was of opinion that it was not enough to know the extent of our resources, but that those resources ought to be worked out. To this end, he would propose that £2,000 be appropriated to mining.¹⁶¹

MR. AT. GEN. J.A. MACDONALD explained that the mining belonged to a different department.¹⁶²

MR. HOLTON fully acquiesced in the remarks of the honorable Attorney General West, and trusted that the motion would be carried unanimously.¹⁶³

MR. YOUNG also expressed his hearty concurrence in the motion. Since he had taken a seat in that House, nothing gave him more pleasure than to record his vote in favor of the motion. And, as had been remarked by his honorable colleague from Montreal, he hoped the motion would receive the unanimous approval of the House; in order to express to Sir William Logan the sympathy with which his efforts were regarded by that House. Sir William had already elevated Canada to a proud position, and if duly seconded in his work, would raise her still higher.¹⁶⁴

MR. S. SMITH (Northumberland,) said he had the pleasure of seeing Sir William Logan in London, and in Paris, and spoke from experience when he stated that that gentleman's efforts had been of the greatest benefit to the country. He (Mr. S.) should therefore have the greatest pleasure in voting for the motion. He would also like to see that gentleman's services acknowledged by presenting him with some provincial or national testimony, of the esteem in which his labors were held by the Province.¹⁶⁵

MR. ROBINSON. — Although he had not the pleasure of witnessing Sir William Logan's services in either London or Paris, knew enough of that gentleman to justify the statement that nothing would gratify him (Sir William) more than to enable him to finish the survey he had begun, and which was as much calculated to further the interests of the country. He (Mr. R.) would have great pleasure in voting that Sir William be presented with some testimonial by the Province.¹⁶⁶

MR. GALT also concurred in the remarks of the previous speakers.¹⁶⁷

MR. MACKENZIE did not rise to oppose the motion, inasmuch as he was the first man who suggested a Geological Survey of Canada, but when the proposition came to increase the annual vote from \$8,000 to \$20,000, he was only afraid that the increase might, under our system of family compaction, go to provide for some of the needy hangers on of the Government. He was afraid the excellent man at the head of the Survey would not be much the profiter. He wanted to know to whom this additional \$12,000 for five years was to go. Was it to really scientific men, or to the rubbish whom the Government took care to keep in their pay, while men of merit were thrown into the background?¹⁶⁸

MR. AT. GEN. J.A. MACDONALD said that the appropriation of the £5,000 was on the recommendation of a Special Committee, in whose report Sir William Logan concurred. It was intended that Sir William Logan should have the appointment of his own assistants, and the whole disposal of the money.¹⁶⁹

The resolution was put and adopted, and the committee rose.¹⁷⁰

(400) and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Clarke* reported, That the Committee had come to a Resolution.
Ordered, That the Report be received To-morrow.

The Order of the day for the second reading of the Bill to amend and explain the Charter of the *Brockville* Gas Company, being read;

On motion of MR. CRAWFORD,¹⁷¹

(400) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Then, on motion of Mr. *Valois*, seconded by Mr. *Mackenzie*,
The House adjourned.¹⁷²

Appendix

[NOTICE OF MOTION FOR AN ADDRESS RE: CLERGY RESERVES.]

MR. MACKENZIE [gave notice that he would move] an address to Gov. Head, asking him to cause to be laid before this House, a Return shewing in detail what rents are being paid or payable to Priests, Ministers, Churchwardens, Incumbents, Rectors, Agents and Officers of the Churches of England and Scotland, in Canada West, by lessees of or tenants on Clergy Reserves, shewing their authority to lease and to collect any augmented [sic] rents, and in what way the proceeds are appropriated, with the names and numbers of the lots so leased.

2ndly. Shewing the authority under which the Churchwardens of St. Paul's Church, Fort Erie, have brought an action against Mr. *Kromer*, in the Division Court for the rent of Clergy Reserve, No. 17, 4th concession of Humberstone, and demand \$100 a year, although during the previous 20 years or thereabouts, his rent was only \$40, and the right or title of said Churchwardens to hold and lease about 1100 acres of Reserves in Crowland and Humberstone.¹⁷³

[NOTICE OF MOTION FOR AN ADDRESS RE: ONTARIO, SIMCOE AND HURON RAILWAY COMPANY.]

MR. MACKENZIE [gave notice that he would move an Address] for a return of the financial affairs of the Ontario, Simcoe and Huron Union Railway Company, shewing, 1st. Their obligations or debts to the Government, in full detail, with the several payments they have made as principal, interest, or to the Railway Saving Fund, the dates and amounts of each of the debentures issued for their advantage; the amount of interest advanced by Government in their behalf, and to whom paid and for what obligation.

2nd. A schedule of the whole value of the Company's funded debts to parties other than the Government, and stating whether any interest is due, and if so, how much.

3rd. A schedule of the Company's debts other than the above, and stating in any case in what way they are secured to creditors.

4th. A list of the Shareholders, with their places of abode, the shares they hold, and the amount paid and still due on each share.

5th. An account of all monies paid as wages, salary, gratuity, compensation or indemnity to the President and Directors or to any of them, for any services they have rendered severally or collectively.

6th. A statement of the Company's income from all sources [sic] for 1855 and estimate of their receipts during 1856.

7th. Any other facts essential to the attainment of a full understanding of the Company's financial position.

8th. A statement shewing also the authority the Directors have as a Corporation for building and sailing vessels on the Lakes, and full particulars of their contract with *John Gartshore*, for a steam engine, and what they have done as to paying or securing him.

9th. An account of the contracts made for the use of certain steamers on Lake Huron, by the directors of the Company — the amounts paid and the returns — the loss of profit.¹⁷⁴

[NOTICE OF MOTION FOR A RESOLUTION RE: TARIFF DISCLOSURES.]

MR. HOLTON said he had prepared a motion in reference to the matter to which he directed the attention of the house yesterday but he did not desire to press it if the explanations withheld yesterday were given to-day, and if they were of that satisfactory character which he trusted they might be. If there was one thing in our constitutional practice more clearly defined and important than another, it was the

secrecy which ought to be observed as to changes in financial policy, until those changes were announced in a proper way to the house. Yesterday he called the attention of the house to an extraordinary breach of this well defined rule of constitutional practice, but the members of the Administration did not choose to give any explanation. He had, therefore, prepared the following motion, which he would only press in the event of the explanations he called for being again refused: —

"That this house has learned with regret, that members of the Administration have given information in regard to the date at which the proposed tariff shall come into effect before communicating the same to this house, and that thereby a course has been adopted at variance with constitutional practice, and most prejudicial to the general interests of the community."¹⁷⁵

[Mr. Holton] stated that his object was to elicit an explanation from the Ministry, ... and if they still refused to give an explanation to that House and the country, of the extraordinary conduct with which they were charged in his motion — then he contended it was competent for him to move a vote of non-confidence in the Ministry.¹⁷⁶

MR. AT. GEN. DRUMMOND objected to the motion being put, on the ground that no notice of it had been given.¹⁷⁷

MR. HOLTON said that, having called the attention of the Administration yesterday to the matter, he had not expected that they would object to the motion on a point of order. But if they blinked the question in that way, he would bring it up again by giving the ordinary notice.¹⁷⁸

MR. AT. GEN. DRUMMOND said, that as this motion was not as he understood it, directed against the Government as a body, and as the hon. Provincial Secretary to whom it seemed to have especial reference, was not yet in his place, the motion ought not to be now pressed.¹⁷⁹

MR. HOLTON. — The Inspector General can give the explanations.¹⁸⁰

MR. AT. GEN. DRUMMOND said the Inspector General could give no explanations. He hoped the hon. member for Montreal would allow his motion to stand over till to-morrow.¹⁸¹ The act complained of was that of an individual [sic] not of ministers as a body, and the ministry as such had no explanation to offer, as it had taken no action.¹⁸² He (Mr. Drummond) as one member of the Administration, had certainly nothing to do with what was complained of. But he supposed the Provincial Secretary was particularly alluded to, and he did not think it fair to press the motion, while his hon. friend was not in his place.¹⁸³

MR. HOLTON. — Perhaps the hon. gentleman would allow it to stand over till his colleague arrives?¹⁸⁴

MR. AT. GEN. DRUMMOND said it ought to be allowed to be inserted on the notice paper, for to-morrow, in its regular order.¹⁸⁵

MR. HOLTON objected; as if it were so placed, it would not, in all likelihood, come up that day.¹⁸⁶

MR. AT. GEN. DRUMMOND said that the character and conduct of his hon. colleague the Provincial Secretary, were called in question by this motion. If he (Mr. Drummond,) were assailed, he would answer it at once; but was he bound to take upon himself to reply on behalf of his hon. friend, who was then absent.¹⁸⁷

MR. HOLTON considered his course perfectly justifiable. He had called for these explanations on the preceding day, and¹⁸⁸ he had waited till the last moment of the routine business, before putting his motion, in order that the Provincial Secretary might be in his place.¹⁸⁹ It was not his fault if he were

absent.¹⁹⁰ Under those circumstances he considered the opposition of the hon. Attorney General to his motion uncalled for and unjust. In making this motion, he not only censured the Provincial Secretary, but also the whole Administration, (order, order.)¹⁹¹ If the ministry desired to shirk the responsibility, and refuse the explanation which the Inspector General might give, he would like to know if they would consent to have the matter come on after the Secretary came in, or to-morrow.¹⁹²

MR. AT. GEN. DRUMMOND said he could consent to nothing in the absence of the Provincial Secretary. The hon. gentleman had better give the usual notice if he wished to insist on his motion.¹⁹³

MR. HOLTON said he would do so¹⁹⁴.

The resolution was allowed to stand as a notice of motion.¹⁹⁵

[MOTION FOR PRINTING RE: RETURN RELATIVE TO TUG-BOATS BELOW QUEBEC.]

MR. YOUNG moved to have the return respecting the Tug Service on the lower St. Lawrence for 1854 and '55, printed for the use of members. The vessels employed, he found were two old boats unfit for the service, the *Admiral* and *Advance*. In the first year the former steamer had towed five vessels, and the latter, seven, making a total of twelve vessels, for which they had received from the owners £640, and about £9,000 from the province. In 1855 the *Admiral* had towed seven vessels, and the *Advance* twelve, making a total of nineteen, for which they received about £950 from the owners, and £11,300 from the Province; thus, for the two years service, towing only thirty-five [sic] vessels; the contractor had received £20,300 from the Government and £15,000 [sic] from the owners.¹⁹⁶ (Hear, hear.)¹⁹⁷ It was proposed that a contract of this monstrous kind was to continue for eight years longer, and it was necessary that the attention of the House and the country should be called to the fact. He believed that the fact went to show that this line was not needed, and it is certain the vessels now employed were utterly unfit for the service. He believed they were generally unable to get a tow when they offered their services.¹⁹⁸

MR. BROWN asked if the *Admiral* was the boat that had been used upon Lake Ontario.¹⁹⁹

MR. YOUNG said it was the same.²⁰⁰

The motion was referred to the Standing Committee on Printing.²⁰¹

Footnotes

1. *Globe*, 30 April 1856. This debate was reconstituted following the order of proceedings reported in the *Journals*. However, *Toronto Daily Leader*, 30 April 1856, *Globe*, 30 April 1856, and *Montreal Gazette*, 1 May 1856, all report a different sequence of motions and amendments than is found in the *Journals*.
2. *Toronto Daily Leader*, 30 April 1856.
3. *Globe*, 30 April 1856.
4. *Toronto Daily Leader*, 30 April 1856.
5. *Globe*, 30 April 1856.
6. *Toronto Daily Leader*, 30 April 1856.
7. *Globe*, 30 April 1856.
8. *Toronto Daily Leader*, 30 April 1856.
9. *Globe*, 30 April 1856.
10. *Toronto Daily Leader*, 30 April 1856.

11. *Toronto Daily Leader*, 30 April 1856.
12. *Ibid.*
13. *Toronto Daily Leader*, 1 May 1856.
14. *Globe*, 30 April 1856.
15. *Toronto Daily Leader*, 1 May 1856.
16. *Globe*, 30 April 1856.
17. *Toronto Daily Leader*, 1 May 1856.
18. *Montreal Gazette*, 1 May 1856.
19. *Globe*, 30 April 1856.
20. *Toronto Daily Leader*, 1 May 1856.
21. *Globe*, 30 April 1856.
22. *Toronto Daily Leader*, 1 May 1856.
23. *Globe*, 30 April 1856.
24. *Ibid.*
25. *Toronto Daily Leader*, 1 May 1856.
26. *Globe*, 30 April 1856.
27. *Ibid.*
28. *Ibid.*
29. *Ibid.*
30. *Ibid.*
31. *Toronto Daily Leader*, 1 May 1856.
32. *Globe*, 30 April 1856.
33. *Toronto Daily Leader*, 1 May 1856.
34. *Montreal Gazette*, 1 May 1856.
35. *Globe*, 30 April 1856.
36. *Montreal Gazette*, 1 May 1856.
37. *Toronto Daily Leader*, 1 May 1856.
38. *Globe*, 30 April 1856.
39. *Toronto Daily Leader*, 1 May 1856.
40. *Montreal Gazette*, 1 May 1856.
41. *Toronto Daily Leader*, 1 May 1856.
42. *Globe*, 30 April 1856.
43. *Toronto Daily Leader*, 1 May 1856.
44. *Toronto Daily Leader*, 1 May 1856. *Toronto Daily Leader*, 30 April 1856, reports that Mr. Turcotte spoke in French.
45. *Globe*, 30 April 1856.
46. *Toronto Daily Leader*, 1 May 1856.
47. *Ibid.*
48. *Ibid.*
49. *Ibid.*
50. *Montreal Gazette*, 1 May 1856.
51. *Toronto Daily Leader*, 1 May 1856.
52. *Ibid.*
53. *Ibid.*
54. *Montreal Gazette*, 1 May 1856.
55. *Toronto Daily Leader*, 1 May 1856.
56. *Montreal Gazette*, 1 May 1856.
57. *Toronto Daily Leader*, 1 May 1856.
58. *Ibid.*
59. *Globe*, 30 April 1856.
60. *Montreal Gazette*, 1 May 1856.
61. *Globe*, 30 April 1856.
62. *Montreal Gazette*, 1 May 1856.
63. *Toronto Daily Leader*, 1 May 1856.
64. *Globe*, 30 April 1856.
65. *Ibid.*
66. *Montreal Gazette*, 1 May 1856.
67. *Toronto Daily Leader*, 1 May 1856.

68. *Montreal Gazette*, 1 May 1856.
69. *Toronto Daily Leader*, 1 May 1856.
70. *Montreal Gazette*, 1 May 1856.
71. *Toronto Daily Leader*, 1 May 1856.
72. *Montreal Gazette*, 1 May 1856.
73. *Globe*, 30 April 1856.
74. *Toronto Daily Leader*, 1 May 1856.
75. *Ibid.*
76. *Ibid.*
77. *Montreal Gazette*, 1 May 1856.
78. *Toronto Daily Leader*, 1 May 1856.
79. *Montreal Gazette*, 1 May 1856.
80. *Toronto Daily Leader*, 1 May 1856.
81. *Montreal Gazette*, 1 May 1856.
82. *Toronto Daily Leader*, 1 May 1856.
83. *Montreal Gazette*, 1 May 1856.
84. *Toronto Daily Leader*, 1 May 1856.
85. *Ibid.*
86. *Ibid.*
87. *Ibid.*
88. *Montreal Gazette*, 1 May 1856.
89. *Globe*, 30 April 1856.
90. *Montreal Gazette*, 1 May 1856.
91. *Globe*, 30 April 1856.
92. *Morning Chronicle*, 5 May 1856.
93. *Globe*, 30 April 1856.
94. *Toronto Daily Leader*, 1 May 1856.
95. *Morning Chronicle*, 5 May 1856.
96. *Toronto Daily Leader*, 1 May 1856.
97. *Globe*, 30 April 1856.
98. *Toronto Daily Leader*, 1 May 1856.
99. *Morning Chronicle*, 5 May 1856.
100. *Toronto Daily Leader*, 1 May 1856.
101. *Morning Chronicle*, 5 May 1856.
102. *Toronto Daily Leader*, 1 May 1856.
103. *Globe*, 30 April 1856.
104. *Toronto Daily Leader*, 1 May 1856.
105. *Montreal Gazette*, 2 May 1856.
106. *Toronto Daily Leader*, 1 May 1856.
107. *Globe*, 30 April 1856.
108. *Toronto Daily Leader*, 1 May 1856.
109. *Globe*, 30 April 1856.
110. *Montreal Gazette*, 2 May 1856.
111. *Morning Chronicle*, 5 May 1856. *Toronto Daily Leader*, 30 April 1856, reports that Mr. Cartier "opposed the amendment, in French."
112. *Morning Chronicle*, 5 May 1856.
113. *Ibid.*
114. *Ibid.*
115. *Ibid.*
116. *Globe*, 30 April 1856.
117. *Morning Chronicle*, 5 May 1856. Earlier this day, Mr. Holton brought up a motion for a resolution regarding tariff disclosures which elicited a short debate in the House, to which he is now referring in this speech. The reader will find the debate inserted in the Appendix section, pages 1718-1720.
118. *Globe*, 30 April 1856. *Montreal Gazette*, 2 May 1856, reports that Mr. Cartier "repeated in English the remarks which he had just made in French, which he said had been misstated by the hon. member for Montreal."
119. *Globe*, 30 April 1856.
120. *Montreal Gazette*, 1 May 1856.

121. *Globe*, 30 April 1856.
122. *Ibid.*
123. *Ibid.*
124. *Ibid.*
125. *Ibid.*
126. *Ibid.*
127. *Ibid.*
128. *Montreal Gazette*, 1 May 1856.
129. *Globe*, 30 April 1856.
130. *Ibid.*
131. *Montreal Gazette*, 1 May 1856.
132. *Globe*, 30 April 1856.
133. *Ibid.*
134. *Ibid.*
135. *Montreal Gazette*, 1 May 1856.
136. *Globe*, 30 April 1856.
137. *Montreal Gazette*, 1 May 1856.
138. *Globe*, 30 April 1856.
139. *Morning Chronicle*, 5 May 1856.
140. *Globe*, 30 April 1856.
141. *Ibid.*
142. *Montreal Gazette*, 1 May 1856.
143. *Globe*, 30 April 1856.
144. *Montreal Gazette*, 1 May 1856.
145. *Globe*, 30 April 1856.
146. *Montreal Gazette*, 1 May 1856.
147. *Ibid.*
148. *Globe*, 30 April 1856.
149. *Montreal Gazette*, 1 May 1856.
150. *Globe*, 30 April 1856.
151. *Montreal Gazette*, 1 May 1856. *Globe*, 30 April 1856, reports that Dr. Southwick "spoke from beneath the galleries, and being nearly inaudible, was only understood to say, that he had not been convinced as yet that it was necessary to impose fresh burthens upon the people, and he could not, therefore, support the scheme of the Inspector General." However, in a commentary, this newspaper also reports that Dr. Southwick "stated that although he had voted for going into Committee on the tariff, he could not see, at present, the absolute necessity for the increase of customs demanded by the Inspector General — nor why, if money were wanted this year for a special purpose, it should not be taken from the cash now in hand."
152. *Globe*, 30 April 1856. This newspaper reports a colourful account of this debate, as follows: "The time of the House of Assembly was occupied all last evening in the discussion of Mr. Cayley's tariff, and more particularly those portions of it which relate to specific duties as distinguished from *ad valorem*. The subject was dry, and though there was some good speaking, the interest of the occasion chiefly centred in the by-play. The main dialogue was fair enough, but the side-scenes were rich in the extreme. Mr. Turcotte, one of the North Shore Railway men, very early in the afternoon, pitched into the tariff and the Government generally, with all his well-known vigour and earnestness. As he proceeded, the faces of Ministers began to exhibit varied emotions of alarm and anxiety; Mr. Cayley grew red, Mr. Macdonald grew pale, Mr. Cauchon gave an extra twist to his nails, Mr. Spence tore up his papers vehemently, and Mr. Cartier fidgeted on his seat as if it were cushioned with hot plates. Even Mr. Lemieux, the mild, the modest, gave a sign of life — he yawned. Mr. Cauchon, Mr. Cartier, and various Ministerial whippers-in, set themselves to work, and it was easy to see, from their movements, who were considered to be true to their constituents and consequently firm supporters of *le chemin de fer du Nord*. Mr. Turcotte disappeared in the lobby with Mr. Polette of Three Rivers and Mr. Cauchon; Mr. Dunbar Ross canvassed Mr. Evanturel; Mr. Evanturel talked with Mr. Casault; Mr. Casault confabulated with Mr. Guevremont; Mr. Guevremont spoke to Mr. O'Farrell; Mr. O'Farrell touched up Mr. Thibaudeau; and, at last, the occupants of the whole North-West corner of the House were collected in knots, chattering and gesticulating like a rookery in a row. Mr. Cartier spoke and Mr. Dorion spoke, but still the caucusing went on, and when the House rose at six — a little company remained discussing the question of the day. Never were ministers more frightened, and never did they exert themselves more strenuously. The excitement ran high in the galleries, every one was anxious to see whether ministerial blandishments would triumph over principle and the North Shore. When the House met at half-past seven, the debate was resumed; but the House was impatient for a vote, and the orators received little attention. It came at last,

when "lo and behold," as Mr. Angus Morrison says, instead of the solid phalanx of eighteen North Shore men rising with the nays, there appeared only three individuals who had changed their position. Messrs. Turcotte, Chapais and Casault stood together; but it was afterwards pointed out to the House that Messrs. O'Farrell and Laporte had not voted, and they joined the others in voting for Mr. Young's motion. Mr. Evanturel, Mr. Polette and others went with the government; Mr. Thibault and some of his allies were absent. The Government were sustained; but it is said that in order to secure their safety, they were compelled to promise the North Shore men all they asked, including three millions of acres of the lands of the Crown."

This commentary also remarks that "Dr. Southwick has been all through the session the strongest supporter of the Government among the Reformers; he has never given one vote, so far as we can remember, on a test question against Mr. Spence and his colleagues.... He followed up his speech by voting for Mr. Brown's motion, in which he was followed by Matheson and Niles, the latter of whom, at a meeting of his constituents held in London on Monday, pledged himself to oppose the Government. The countenances of Her Majesty's Ministers, when they heard Dr. Southwick make his statement, may be more easily imagined than described."

153. *Globe*, 30 April 1856.
154. *Toronto Daily Leader*, 1 May 1856.
155. *Ibid.*
156. *Globe*, 30 April 1856.
157. *Toronto Daily Leader*, 1 May 1856.
158. *Globe*, 30 April 1856.
159. *Toronto Daily Leader*, 1 May 1856.
160. *Ibid.*
161. *Ibid.*
162. *Ibid.*
163. *Ibid.*
164. *Ibid.*
165. *Ibid.*
166. *Ibid.*
167. *Ibid.*
168. *Ibid.*
169. *Ibid.*
170. *Toronto Daily Leader*, 1 May 1856. In a commentary, *Western Planet*, 12 May 1856, reports that the House "resolved to grant further aid to the Geological Survey of the Province. The aid consists of an appropriation of £5,000 a-year for five years, for employing additional assistance, publishing maps, &c., and opening a Geological Museum. In addition to this material aid, every land surveyor who passes the Board of Examiners is hereafter to be required to prove his knowledge of the elementary principles of geology, so that we shall have men professing at least the rudiments of geological science wherever we have surveyors laying out new lands. This is a capital plan, which I believe is greatly due to the suggestion of Mr. Langton. It will no doubt tend to open up speedily the mineral resources of the country."
171. *Globe*, 30 April 1856.
172. *Globe*, 30 April 1856, and *Toronto Daily Leader*, 1 May 1856, both report that the House adjourned at midnight.
173. *Mackenzie's Weekly Message*, 2 May 1856. This paper does not specify when exactly this notice of motion was put on the notice list. It was therefore arbitrarily inserted with the proceedings of this sitting.
174. *Ibid.*
175. *Globe*, 30 April 1856. According to *Toronto Daily Leader*, 30 April 1856, this motion was brought up immediately before Mr. Drummond's motion for the reading of the orders of the day (see *Journals*, page 395 1695). *Globe*, 30 April 1856, reports that it was brought up before the debate on Mr. Cayley's tariff resolutions. The subject of tariff disclosures was further discussed during the debate on the tariff resolutions, pages 1710-1711.
176. *Toronto Daily Leader*, 30 April 1856.
177. *Globe*, 30 April 1856.
178. *Ibid.*
179. *Toronto Daily Leader*, 30 April 1856.
180. *Ibid.*
181. *Ibid.*
182. *Montreal Gazette*, 1 May 1856.
183. *Globe*, 30 April 1856.
184. *Toronto Daily Leader*, 30 April 1856.
185. *Ibid.*
186. *Ibid.*

187. *Toronto Daily Leader*, 30 April 1856.
188. *Ibid.*
189. *Globe*, 30 April 1856.
190. *Montreal Gazette*, 1 May 1856.
191. *Toronto Daily Leader*, 30 April 1856.
192. *Montreal Gazette*, 1 May 1856.
193. *Morning Chronicle*, 5 May 1856.
194. *Montreal Gazette*, 1 May 1856.
195. *Toronto Daily Leader*, 30 April 1856.
196. *Montreal Gazette*, 1 May 1856. According to *Globe*, 30 April 1856, Mr. Young stated that "£22,600 had been given away by the Government for moving 36 vessels in two years."
197. *Globe*, 30 April 1856.
198. *Morning Chronicle*, 5 May 1856.
199. *Globe*, 30 April 1856.
200. *Ibid.*
201. *Ibid.*

WEDNESDAY, 30 APRIL 1856

(400)

THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Hartman*, — The Petition of *Silas Snider* and others, of the Township of *King*; and the Petition of *Clarkson Hambleton* and others, of the Township of *King*.

By Mr. *Polette*, — The Petition of the Right Reverend the Bishop of *Three Rivers*, and others, the Committee of Management of the Schools of the Society of Education.

By Mr. *Niles*, — The Petition of the Municipal Council of the County of *Middlesex*.

By Mr. *Jean Baptiste Eric Dorion*, — The Petition of the Reverend *B. Robin* and others, of *St. Antoine de Tilly*; and the Petition of *G.L. Marler* and others, of *Drummondville*.

By Mr. *Frazer*, — The Petition of *Henry Kalar*, Coroner for the United Counties of *Lincoln* and *Welland*.

By Mr. *Evanturel*, — The Petition of the North Shore Railway Company.

By Mr. *Brown*, — The Petition of *Robert Johnston* and others, of the Township of *Clarke*; the Petition of the Reverend *Daniel Gordon* and others, of *Kenyon* and *Roxborough*; the Petition of the Municipality of the Township of *Bosanquet*; and two Petitions of *Thomas Paxton* and others, of the Town of *Amherstburg*.

By Mr. *Antoine Aimé Dorion*, — The Petition of *John Brush Seymour*, of the Village of *Frelighsburg*, hatter, executor of the testament of the late *Richard V.V. Freligh*.

By Mr. *Aikins*, — The Petition of *Alexander McLaren* and others, of the Township of *Caledon*; and the Petition of *Edward Moore* and others, of the City of *Hamilton*.

By Mr. *Ferres*, — The Petition of *W.W. Smith*, of the Village of *St. John*; and the Petition of *Hamby Ferguson Cairns*, of the City of *Quebec*, Barrister-at-Law.

Pursuant to the Order of the day, the following Petitions were read: —

Of the Committee of Management of the *Three Rivers* Academy; praying for aid.

Of the Mechanics' Institute of *Three Rivers*; praying for aid.

Of *Robert H. Kittson* and others, of *Sorel*; and of *Thomas Machin* and others, of *Granby*; praying for certain amendments to the Customs Duties Act.

(401)

Of *Aimé Sicotte* and others, of the Parish of *Boucherville*; of *Pierre Benard* and others, of *St. Bruno*; of *L. Guillet* and others; of *Théophile Roy* and others, of the Parish of *St. Athanase*; of the Reverend *S. Belleau* and others, of *Ste. Croix*, County of *Lotbinière*; of *Aimé Dugas* and others, of the County of *Laprairie*; and of *N. Cressé* and others, of the Parish of *Nicolet*; praying that no further guarantee may be given to the Grand Trunk Railway Company.

Of *John Rannie* and others, of the Township of *Thorold*; of *John Lasher* and others, of the Village of *Bath*; of *A.N. Arthur* and others, of the Township of *Beckwith*; of *William Brown* and others, of the Village of *Smith's Falls* and vicinity; of *Alexander Card* and others, of the Township of *Etobicoke*; praying that representation may be based upon population.

Of *J.G. Lamothe* and others; praying for an Elective Legislative Council, an Elective Governor, and the recall of Sir *Edmund Head*.

Of *G.P. Dickson* and others, of *Richmond Hill* and neighbourhood; praying for the repeal of the Separate School Act.

Of the *Montreal* Board of Trade; and of Messieurs *G.B. Symes* and Company, and others, Merchants interested in the shipping business of *Quebec*; praying that the Bill now before the House to amend the Act 12 Vic. cap. 114, may not become law.

Of the Reverend *William T. Leach* and others, Members of *St. George's* Chapel, *Montreal*; and of *G. Vair* and others, of the Town of *Belleville*; praying for the abolition of Sunday labor in the Post Office Department, and on the *St. Lawrence* Canals.

Of *Thomas Langley* and others, of the Townships of *Tecumseth* and *Adjala*; of *John Hanly* and others, of the Township of *Tyendinaga*; praying for an Address to Her Majesty soliciting the recall from banishment of *William Smith O'Brien*.

Of *Ralph Jones* and others; of *James R. Benson* and others; of *G.H. Cryslar* and others; of *William Bowen* and others; of Messieurs *Buchanan, Harris* and Company, and others; of *E.F. Whittemore* and others; and of *William Donaldson* and others, Mariners and others, engaged or interested in the commerce and navigation of the Lakes; and of *James Scott*, Mayor of *Port Hope*, and others, interested in the commerce and navigation of the Lakes; praying that aid may be granted out of the Provincial Funds to complete the Harbour at *Port Hope*.

Of *S. McLaughlan* and others, of the County of *Kent*; of *Walter J. Sutton* and others, of the County of *Ontario*; and of *George Real* and others, of the County of *Victoria*; praying that means may be adopted to prevent the unnecessary expenditure of the endowment of King's College.

Of *Adolphus Scherfenberg* and others, German Inhabitants of the City of *Quebec*; representing that the German Emigrants arriving at the Port of *Quebec* are, by insidious manœuvres and acts of intimidation, hindered from remaining in *Canada*, contrary to their inclination, and praying that means may be adopted to ensure to the said Emigrants the protection to which they are entitled.

Of the Reverend *Hannibal Mulkins*; praying for arrears of salary due him as Missionary of the Church of *England*.

Of *Francis Jones*, of the Village of *Kemptville*; praying that the said Village may be incorporated.

Of the Reverend *Charles Champoux* and others, of the Parish of *Ste. Anne des Plaines*; praying aid for a School House.

Of *James Kay* and others, of the Village of *Granby*; praying aid for the Academy in the said Village.

(402)

Of *A. McArthur* and others, of *Carleton Place* and adjacent Townships, in the North and South Ridings of the County of *Lanark*; praying that no encouragement may be given to induce a certain class of Emigrants to come to *Canada* from the *United States*; for amendments to the Common School Law; and for a rigid and impartial inquiry into the *Corrigan* murder case.

Of *David Reesor*, Chairman, on behalf of a Public Meeting held in the Township of *Markham*; setting forth certain Resolutions on the subject of Common Schools; the Elective Legislative Council; Representation by Population; the Immigration of *Irish Roman Catholics* into *Canada* from the *United States*; the intended General Police Force; the removal of the Seat of Government; and the Repeal of the Union of *Upper and Lower Canada*; and praying the House to correct or avert their causes of complaint.

Of the Municipal Council of the County of *Quebec*; praying that measures may be adopted to open out a communication from *Quebec* to *Georgian Bay* by the Valley of the *Ottawa*.

Mr. *Hartman*, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Eleventh Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Bill to vest in *Samuel Doolittle* and *Robert Johnston* a certain allowance for Road in the Township of *Haldimand*, and have agreed to report the same without any amendment.

They have also examined the Bill to vest a certain allowance for Road in the Township of *Hamilton*, County of *Northumberland*, in *John Wade* and *Benjamin Seymour*, and have agreed to an amendment, which they beg to submit for the consideration of Your Honorable House.

The Bill to vest a certain Road allowance in the Township of *Trafalgar*, in the Municipal Council of that Township, has been examined by Your Committee, and they find the Preamble not proven.

Ordered, That the Bill to vest a certain allowance for Road in the Township of *Hamilton*, County of *Northumberland*, in *John Wade* and *Benjamin Seymour*, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

On motion of MR. S. SMITH (Northumberland,)¹

(402)

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Larwill* reported, That the Committee had

gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time on Friday next.

Ordered, That the Bill to vest in *Samuel Doolittle* and *Robert Johnston* a certain allowance for Road in the Township of *Haldimand*, be read the third time on Friday next.

Mr. *Marchildon* reported from the Select Committee on the Bill to authorize the Creditors of Public Officers to seize and take in execution, after Judgment, the Salaries and Emoluments of the said Officers, in certain cases, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

Ordered, That the Bill, with the amendments, be printed for the use of the Members of this House.

Mr. *Frazer*, from the Select Committee to which was referred the Petition of *James K. Benson* and others, and other references, presented to the House the Report of the said Committee; which was read, as followeth: —

(403)

Your Committee have had the above-named Petitions and others of a similar import under their consideration. Petitions have been presented year after year to Your Honorable House, praying for protection by some Legislative enactment, but from some cause or other have not been acceded to.

Your Committee are fully aware that great and serious loss frequently accrues to parties furnishing necessary supplies to vessels owned by parties living in a foreign country and bound to foreign ports, in consequence of no adequate provisions for the collection of such claims.

Your Committee therefore beg to recommend that a Bill be passed to obviate the grievances complained of by the Petitioners.

Also, Your Committee have had under their consideration the Petitions of *William Campbell* and others, of the Counties of *Lincoln*, *Welland*, and *Haldimand*; of *James G. Sutherland* and others; of *George McMicking* and others, of the aforesaid Counties; and of *John Thomas* and others, of the Counties of *Lincoln* and *Welland*; praying to be relieved from the payment of Tolls upon Timber, &c. descending the River *Welland*.

Your Committee are of opinion that great injustice has been done to the Petitioners and others who have occasion to use the River for rafting Timber, and other purposes connected with the Trade of that part of the Country. Previous to the construction of the *Welland* Canal, and more particularly the new Aqueduct, the River was free and unobstructed.

The full and free development of the Trade and resources of the Country westward from that point, have been materially retarded by the obstruction and consequent injustice in the collection and payment of Tolls thereon.

Therefore Your Committee would humbly suggest that an Address be presented to His Excellency the Governor General, praying that the imposition of Tolls be henceforth abandoned, and the Petitioners and others relieved therefrom.

Ordered, That Mr. *Frazer* have leave to bring in a Bill to make better provision for the collection of claims against the Owners of Vessels, in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

The Honorable Mr. Attorney General *Drummond* reported from the Select Committee on the Bill to establish a Circuit Court in and for the County of *Huntingdon*, and part of the County of *Chateauguay*, and other references, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Friday next.²

Ordered, That the Honorable Mr. Attorney General *Macdonald* have leave to bring in a Bill to simplify and expedite the proceedings in the County Courts in *Upper Canada*, and to alter and amend the Law in relation to those Courts.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That the Honorable Mr. Attorney General *Drummond* have leave to bring in a Bill to amend the Municipal and Road Act of 1855.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

MR. AT. GEN. DRUMMOND introduced a bill to establish the Boundary Line between Upper and Lower Canada, and for other purposes connected therewith. The hon. gentleman explained that the object of this bill was to define, by law, the Boundary Line between Upper and Lower Canada. There was no doubt that the Line had already been established, but it had never been defined by law, in consequence of which much confusion arose. Patents were granted for land in Upper Canada, whereas it was subsequently found the lands were in Lower Canada; and other mistakes had taken place for want of a legal defining of the Boundary Line. To remedy this the present bill was introduced.³

MR. A. DORION (Montreal) agreed with the hon. Attorney General as to the necessity existing for this bill.⁴

MR. BROWN said that was all very well if they were to have any dividing line at all. But he would go for doing away with that line.⁵

The bill was then read a first time.⁶

(403) *Ordered*, That the Honorable Mr. Attorney General *Drummond* have leave to bring in a Bill to define the Boundary Line between *Upper* and *Lower Canada*, and for other purposes connected therewith.

(404) He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That the Honorable Mr. Attorney General *Drummond* have leave to bring in a Bill to authorize the Judges of the Superior Court for *Lower Canada* to appoint Commissioners for taking Affidavits in *Upper Canada*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

MR. AT. GEN. DRUMMOND introduced a bill to amend the [Act] 18th Vict. cap. 159. The hon. gentleman explained that the object of this bill was to repeal a certain section of the law — which had been passed evidently against the intentions of the Legislature — which provided that the amount accruing from the sale of tavern licenses in Quebec should be devoted to the use of the Corporation. The intention of the Legislature was that these funds thus acquired should be devoted to the Seigniorial Fund. In order that the money should be so appropriated it was proposed to repeal this law.⁷

(404) *Ordered*, That the Honorable Mr. Attorney General *Drummond* have leave to bring in a Bill to amend "An Act to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of *Quebec*, and to vest more ample powers in the Corporation of the said City and Town."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That the Honorable Mr. *Cayley* have leave to bring in a Bill to amend the Act 18 Vic. cap. 78, to secure the more efficient auditing of the Public Accounts.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

MR. J. MORRISON introduced a Bill making provision for the transfer of the Ordnance Lands. The hon. gentleman explained the object of this Bill to be to cause all Ordnance property to revert to the Province, except that portion required for the defence of the Province, which would be vested in the Secretary of State, instead of the principal officer in Her Majesty's Ordnance as heretofore.⁸

(404)

Ordered, That the Honorable Mr. *Morrison* have leave to bring in a Bill for transferring to one of Her Majesty's Principal Secretaries of State, the Powers and Estates in this Province heretofore vested in the Principal Officers of Her Majesty's Ordnance.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

On motion of the Honorable Mr. Attorney General *Drummond*, seconded by the Honorable Mr. *Morrison*,

Ordered, That the Orders of the day be now read.

And the Order of the day for receiving the Report of the Committee of the whole House to consider of a Resolution to impose an additional Excise Duty on the manufacture of Whiskey, being read;

On motion of MR. INSP. GEN. CAYLEY, the House received and adopted the report of the Committee of the whole⁹.

(404)

Mr. *Sidney Smith* reported a Resolution; which was read, as followeth: —

Resolved, That the Excise Duty on the manufacture of Whiskey be raised to one penny half-penny per gallon.

The said Resolution, being read a second time, was agreed to.

Ordered, That the Honorable Mr. *Cayley* have leave to bring in a Bill to impose an additional Excise Duty on Whiskey.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

On motion of MR. AT. GEN. J.A. MACDONALD the report of the Committee of the Whole on the grant for a Geological Survey was received and adopted.¹⁰

(404)

Mr. *Clarke*, from the Committee of the whole House to consider the expediency of appropriating a certain sum of money for a term not exceeding five years, to defray the Expenses of the Geological Survey of this Province, reported a Resolution; which was read, as followeth: —

Resolved, That it is expedient that out of the unappropriated Monies of this Province, a sum, not exceeding Five thousand pounds, shall be annually applied for a term not exceeding five years from the passing of any Act founded on this Resolution, to defray the Expenses of the Geological Survey of this Province.

(405)

The said Resolution, being read a second time, was agreed to.

Ordered, That the Honorable Mr. Attorney General *Macdonald* have leave to bring in a Bill to make further provision for the Geological Survey of this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

The Order of the day for receiving the Report of the Committee of the whole House on the Bill to amend the Act 18 Vic. cap. 2, being read;

The Honorable Mr. Attorney General *Macdonald* moved, seconded by Mr. Solicitor General *Smith*, and the Question being proposed, That the Report be now received;

MR. HARTMAN moved in amendment that the report be not now received, but that the bill be recommitted, with a view to amend it so as to confine the expenditure of [the] said fund to the support of public schools.¹¹

MR. BROWN opposed the reception of the report. The proposition of the hon. Attorney General West — to give this fund into the control of the municipalities, to be expended as they thought fit, was not such a one as ought to be entertained by that House. It was giving the municipalities an opportunity of wasting and frit[ter]ing away the public money on works which would be of no public utility¹²; whereas, if devoted to the creation of an endowment for education in all time to come, it would be productive of great benefit to the country.¹³

MR. POST. GEN. SPENCE was surprised that the hon. member for Lambton should dare to make such an assertion, in the face of the Province, as that the municipalities would waste this money away if it were granted to them. It was a monstrous assertion for that hon. gentleman that the municipalities, towns and townships could not be trusted with such a sum — that they would squander their money. He felt confident that the very reverse of this was the case. Were they not as capable of properly disposing of their money as of raising it?¹⁴

MR. MERRITT quite agreed with the member for Lambton, that, under this Bill, the money would be frittered away, and the result would be, that there would be no permanent provision made for education. The clergy had got a permanent provision made for them, and the same course should be pursued in regard to the balance, which should be kept sacred, and only the interest of it applied for education. If this Bill passed, he considered it would prove one of the most disastrous proceedings of the whole session.¹⁵

MR. S. SMITH said, he considered the object of the member for North York was simply to keep this Clergy Reserve agitation going on for ever. That hon. member, and the member for Lambton, wished the proceeds made an Education Fund, so that the clergy might have an opportunity of again claiming them, and raising another agitation. They did not wish the Clergy Reserve cry cut for ever from under their feet.¹⁶ It was paying the municipality a poor compliment indeed for that House to say, we cannot trust you with this money.¹⁷

MR. HARTMAN said, the member for Northumberland evidently felt nervous about the vote he was to give for a deservedly unpopular Bill, and which would have the effect of putting money into the pockets of certain railway jobbers and speculators in that section of the country. (Hear, hear.) That was the reason why the hon. gentleman raised the absurd argument that he (Mr. Hartman) wished to renew the Clergy Reserve agitation.¹⁸

MR. FERRES only wished to show how extremes meet. His honorable friend from North York had declared his intention of voting against this bill because it tended to the endowment of churches; whereas he voted against it because he thought it was robbing them. (Laughter.)¹⁹

MR. FERRIE said it was not often, he could agree with the Government, but he did so on this occasion. He thought it would prevent future agitation, to break up the fund altogether.²⁰

MR. GAMBLE could not support the Government proposition. When the fund was taken from the church, he thought it should be preserved for education.²¹

The amendment was then put²².

(405)

Mr. *Hartman* moved in amendment to the Question, seconded by the Honorable Mr. *Merritt*, That all the words after "That" to the end of the Question be left out, and the words "the Bill be re-committed to a Committee of the whole House, with an Instruction to amend the same, so as to confine the expenditure of the said Funds to the support of Public Schools" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

(405)

YEAS.

Messieurs *Aikins, Bell, Bourassa, Brown, Bureau, Cameron, Christie, Church, Delong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Frazer, Galt, Gamble, Hartman, Holton, Merritt, Papin, Patrick, Prévost, Robinson, Scatcherd, Southwick, and Wright.* — (25.)

NAYS.

Messieurs *Biggar, Brodeur, Cartier, Casault, Cayley, Chabot, Chapais, Chisholm, Clarke, Conger, Crysler, Jean B. Daoust, Desautniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Felson, Ferres, Ferrie, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Gûtreumont, Jackson, Labelle, Laporte, Larwill, LeBoutillier, Lumsden, Macbeth, Attorney General Macdonald, McCann, Meagher, Joseph C. Morrison, Angus Morrison, Murney, Niles, O'Farrell, Polette, Poulin, Rhodes, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Spence, Stevenson, Thibaudeau, Turcotte, and Yeilding.* — (53.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

MR. BROWN then moved in amendment — “That the Report of the Committee on the Clergy Reserve Bill be not now received, but that it be referred back to the Committee of the Whole with instructions to provide that the share of any municipality in the proceeds of the Clergy Reserves shall not be spent until the By-Law authorizing its appropriation has been submitted to the electors of such municipality and a special vote taken thereon.” He said the propriety of this must be apparent. Had they not seen how many townships had run into heavy debt most improvidently? And was it not known that there were members of this house who had already pounced upon the share of their own municipality? (Cries of Name, name.) Fortunately, it was not necessary to name those gentlemen, as they had let out the fact themselves. (Hear, hear.) The matter had been openly discussed in the newspapers, and the names of those hon. gentlemen had been recorded. There was no question that a large portion of the money had already been determined to purposes, which if submitted to the electors, would not be approved of. (Hear, hear.) There was a clause in the Municipal Act, requiring that the Councillors of any municipality should not run their municipality into debt, until the consent of the people was obtained. And, if that was necessary, how much more necessity was there for giving the people a check over the expenditure of this large amount of money. (Hear, hear.)²³ In moving this motion, ... [he wished] to put his views respecting this question on record. He did not expect it would carry. In reply to the honorable the Post Master General, he expressed his regret that that honorable gentleman should have expended so much indignation to so little purpose. He believed that municipalities were, at least just as liable as the honorable gentlemen composing that house to mispend and waste public money; and no person would venture the prodigality and extravagance of the “collective wisdom.”²⁴

MR. FERRES insisted that it was contrary to the principle of Representative Government that the people would assemble directly to vote or appropriate money. They appoint their representatives for that purpose, and the power was given to the Town Councils of controlling that money for the benefit of the people in the municipalities. He would, therefore, oppose the motion of the hon. member.²⁵

MR. SOL. GEN. H. SMITH wished honourable gentlemen to understand that, in the present case, the money was not levied upon the people — it was merely a distribution. The Councils would no doubt spend the money as the people desired, either for schools or public works.²⁶

MR. MERRITT called the hon. member for Brome (Mr. Ferres's) attention to the [Act] 12th Victoria, chapter 83, section 177, where the expenditure of money was left with the municipalities. He (Mr. M.) thought that the people would honestly vote to appropriate this money for the purposes of education, and so as to benefit posterity, and that they would not destroy the fund to build bridges. He trusted they would apply it to educational purposes.²⁷

MR. FERRES contended that the vote of the people was never taken upon money as improperly levied, but only as to whether the money should be levied upon them or not.²⁸

DR. CHURCH sustained the view, that the Municipal Councils were considered fit persons to work out the interests of their communities.²⁹

MR. POST. GEN. SPENCE opposed the grounds taken by the hon. member for Lincoln (Mr. Merritt). That hon. member's case only referred to the passing of a debt upon municipalities.³⁰

MR. MERRITT. — A debt or an expenditure.³¹

MR. POST. GEN. SPENCE. — But where a sum of money is raised by a special tax, it was right that there should be an appeal to the people. The hon. member for Lambton was afraid to trust the people's representatives.³²

MR. CHRISTIE believed that the whole matter was based upon sound popular principles and certainly the cry of agitation, coming from the hon. gentleman who had taunted the hon. member for Lambton with a fear of going to the people, was very strange.³³

MR. AT. GEN. J.A. MACDONALD thought the Municipal Councils would do what most conduced to the interests of their people. The idea of submitting to the people what should be done with the money, when there were a hundred different ways of appropriating it, was very absurd. This money could only be used for the purposes provided by the Municipal laws, which governed the Councillors. In answer to the hon. member for Lambton, the only way in which the money could be appropriated for building railroads would be, where any municipality has become a debtor to the crown on their debentures. As long as this fund was kept open fresh agitation would ensue, and the sooner the money was divided and spent the earlier it would cease.³⁴

DR. SOUTHWICK was opposed to any more time being wasted in the consideration of the division. It cost more than the whole fund was worth.³⁵

The motion in amendment was then put³⁶.

- (405) Mr. *Brown* moved in amendment to the Question, seconded by Mr. *Aikins*, That all the words after "That" to the end of the Question be left out, and the words "the said Bill be re-committed to a Committee of the whole House, with an Instruction to provide that the share of any Municipality in the proceeds of the Clergy Reserves, shall not be spent until the By-Law authorizing its appropriation has been submitted to the Electors of such Municipality, and a special Poll taken thereon" inserted instead thereof;
- (406) And the Question being put on the Amendment; the House divided: — And it passed in the Negative.
Then the main Question being put;
Ordered, That the Report be now received.
Mr. *Chisholm* reported the Bill accordingly; and the amendment was read, and agreed to.
Ordered, That the Bill be read the third time on Friday next.

On motion of MR. AT. GEN. J.A. MACDONALD,³⁷

- (406) The House, according to Order, resolved itself into a Committee on the Bill to amend, repeal, and consolidate the provisions of certain Acts therein mentioned, and to simplify and expedite the proceedings in the Courts of Queen's Bench and Common Pleas in *Upper Canada*; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *James Smith* reported,

That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time on Friday next.

MR. AT. GEN. DRUMMOND moved the House into committee of the whole to consider the following resolutions: —

1. That with a view to the decentralization of the Judicial System in Lower Canada, it is expedient to subdivide the Judicial Districts in that Section of the Province and to provide for the building of a Court House and a Gaol at some central or convenient place in each New District so formed, wherein such Buildings have not already been constructed.

2. That in order to avoid the expense and trouble to which the Municipalities of Lower Canada would be subjected in levying and collecting assessments for the building of such Court Houses and Gaols, it is expedient to repeal so much of the Clergy Reserves Act, 18th Vict. cap. 2, as provides for the apportionment of the Lower Canada Municipalities Fund created by the said Act among the several Municipalities, and to appropriate out of the said Fund, or out of moneys to be raised by Debentures on the credit thereof, a sum not exceeding £75,000, for building the said Court Houses and Goals, and for aiding the Municipalities in which no Court Houses or Goals shall have been constructed out of the said Fund, or out of other Fund[s], belonging to the Province, to provide accommodation for County or Circuit Courts.

The hon. gentleman said that the necessity of a system of decentralization had been long felt; but the position of the population of Lower Canada — accustomed as they had been to get their Court Houses built at the expense of Government, rendered it impossible to carry out any system of decentralization in the judicial system which would cause the necessary Court Houses and Jails to be built at the ... expense of the people, without inflicting great inconvenience [sic] and annoyance upon them. It was clear at all events that until the means had been found by a more correct municipal system, the principle of decentralization could not have been carried. Nothing could have been more fortunate than the proceeds of this Clergy Reserve Fund, at the present time, to apply to this purpose. While in Upper Canada the appropriation from that fund was considerable, in Lower Canada it was comparatively smaller, being at present only £23,000, and if this sum were divided among all the municipalities, as in Upper Canada, it would yield but a small portion to each. He thought it desirable, therefore, to apply to the purpose of commencing this great reform immediately, by building Court Houses with it, and leaving the people afterwards to maintain them, or rebuild them when necessary. As soon as the resolutions were adopted he would bring in his bill, which would contain the details and show the manner in which he wished to sub-divide the country into judicial districts. He might say that the country would be divided into nineteen districts instead of five, as at present, and he would endeavor as much as possible not to place more than three counties into each judicial district. In some cases, when the population is scattered over a wide territory, there will be only two counties included, and in one instance — the county of Rimouski — there would only be one. This was a peculiar county, extending 180 miles along the shores of the St. Lawrence, and to join it to any other for judicial purposes would be no better than at present. It would be impossible to apportion this money precisely according to population; but he thought it right that some aid should be afforded out of this fund to those municipalities in which no Court Houses have been already built, or in which the Court Houses have not been built out of the Consolidated Fund. He hoped, therefore, that those gentlemen representing counties where Court Houses had already been built out of the Consolidated revenue, would waive their claim to any part of this appropriation, because it was necessary that the rural districts should get their share. They had legislated long enough for the interests of the cities (hear, hear,) and it was now time they should legislate for the interests of the people at large. It was time they should bring justice to the doors of the people.³⁸ The people of the district of Montreal for instance, had been long enough compelled to travel hundreds of miles to the chief city to prove a promissary [sic] note.³⁹ He trusted, therefore, that gentlemen representing the cities would display

their patriotism by admitting the principle he now advocated, and coming forward to aid in carrying out this great reform, which would give a greater impulse to the people of Lower Canada than any other measure except the Seigniorial Tenure. It will have the effect of producing those great [in]centives of civilization, of education and improvement, which they wanted in Lower Canada more than in any other country in the world. Throughout Upper Canada you would find flourishing towns, containing large numbers of inhabitants and doing a large business; but in Lower Canada there were none of these centres of population. He wished to see these centres formed, and this could only be done by the system of decentralization which he proposed. He would therefore move the House into committee to consider his resolutions.⁴⁰

MESSRS. PAPIN and A. DORION ... asked some explanation.⁴¹

MR. AT. GEN. DRUMMOND explained that no part of the fund would be given to places like the city of Montreal, where buildings were already erected, but the monies would be given to the new districts formed out of portions of the old ones.⁴²

MR. A. DORION (of Montreal) contended that as the court house at Montreal was built by a tax levied on the suitors in the court there, the people there ought to have a share of the funds. That court-house was greater than the city and new district would need. The extra expense had been incurred as well for the benefit of the other portions of the district which would now be joined into new districts, and so relieved from this tax. It would be almost impossible to get the interest on the building paid out of this tax from the smaller district[s]. They would never pay the principal. But he objected altogether to the appropriation of this fund for such a purpose. It should be devoted to educational purposes. These buildings should be erected by local rate; it would only amount to about a shilling and three pence per head, and the people would not object to that amount when it was explained to them. The fund originally destined for religious instruction, should now, since it was secularized, be devoted to secular education, and not to any other purpose.⁴³

MR. FELTON [asked a question].⁴⁴

MR. AT. GEN. DRUMMOND said no monies would be given to such places as Sherbrooke, where a Court House had already been built by Government. It would be applied in the first place to the erection of Court Houses in the new districts, and after that it would be granted for the County Courts.⁴⁵

MR. FELTON expressed dissatisfaction at the explanation of the Attorney General, as the district of country from which he came would be passed over, while the greater part of the revenues of Lower Canada were derived from that district. Although therefor[e] the inhabitants of that district were entitled to their share, they were to be entirely deprived of it.⁴⁶

MR. AT. GEN. DRUMMOND said they already had a Court-house there.⁴⁷

MR. FELTON said it was true,⁴⁸ a Court House had indeed been erected by a most improvident expenditure, but it was not such as the district required, and was out of repair⁴⁹; and by this diversity of the funds they would be deprived of the means of putting it in repair.⁵⁰

MR. GAMBLE would support this bill for two reasons. He intended to vote for a specific appropriation of the funds, not to leave it to the municipalities to do what they liked with it. — Wherever an atrocious act of this sort was committed he thought the least Parliament could do was to appropriate the spoils to some useful object.⁵¹

MR. SICOTTE the SPEAKER. — Order.⁵²

MR. GAMBLE. — Well he would say, that if the people had been deprived of the means of religious instruction by a diversion of these funds from their original purpose, the next best thing to do was to apply these funds to build Court-houses and jails, because they certainly would be needed in consequence of the want of churches and religious instruction.⁵³

MR. SCATCHERD approved of the appropriation⁵⁴, [but he] considered it strange that they ... should apply this fund to the rural [districts], when they opposed a motion he made to apply the Upper Canada portion of the fund in a similar manner.⁵⁵ If it was right that the cities of Lower Canada, which had had gaols erected at the public expense, should have no share of this money, it was equally right that the cities of Upper Canada should be excluded.⁵⁶

MR. MACKENZIE contended that whatever was available of this fund should go to pay the £450,000 which was to be given to the Seigniors. He could not see the justice of applying this to build jails and court-houses, and take the other money out of the Consolidated Fund, when the people of Upper Canada built their jails and court-houses with their own municipal funds.⁵⁷

The hon. gentleman had the floor when MR. SICOTTE the SPEAKER left the chair at six o'clock.⁵⁸

[After the recess,]

MR. GALT rose to enquire of the hon. Attorney General East, whether the system he sought to introduce had been petitioned for [by] the inhabitants of Lower Canada.⁵⁹

MR. AT. GEN. DRUMMOND thought it very strange that the hon. member for Sherbrooke should ask such a question. This change had been demanded so far back as 50 years ago. It had been demanded in the old House of Assembly, but that demand had not been complied with, and ever since then, in every possible form, and at all times, the demand had been reiterated. True it might not have been demanded by the parties in whose neighborhood the hon. member resided, for he had a Court House almost at his own door. Upper Canada had her County Courts for many years, but in Lower Canada they had nothing. The whole of Lower Canada was divided into five judicial districts, if Gaspé were included, it would make the sixth. Now such a state of things was really monstrous. In consequence of this inefficient division, many persons had to come hundreds of miles to these Courts, where they would perhaps be delayed weeks instead of days. Now, he proposed to increase the number of judicial districts in Lower Canada to twelve or thirteen. And he considered it a most Providential occurrence that they should now be in possession of the £75,000 — of which they should at once take advantage ... in order to accomplish this very desirable object.⁶⁰

MR. GALT was much obliged to the Attorney General East for his very satisfactory [sic] explanation. He would also say that he was glad to hear that hon. gentleman's statement, that it was to Providence they were indebted for this fund. Before that declaration, hon. gentlemen had been under the impression that it was to Government they were indebted (laughter).⁶¹ While quite concurring in the general view of the Attorney General about decentralization, [he] doubted, however, whether after Parliament had one session made a general appropriation of the fund, they could, consistently with the rights of the parties interested, change it to a special application. As for his constituents, the people of Sherbrooke were always ready to do what was required of them, and would maintain the necessary buildings if called on to do so.⁶²

MR. MERRITT said that a little while ago he wished the Clergy Reserve Fund applied to a specific purpose — education, but it was objected to. And now the Government themselves proposed that the Clergy Reserve Fund of Lower Canada should be devoted to one specific purpose — the construction of gaols and court houses. He would have been better pleased if it were proposed to apply it to educating the people of Lower Canada. (Hear, hear.)⁶³

The house then went into committee on the resolutions⁶⁴.

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The House, according to Order, resolved itself into a Committee to take into consideration certain Resolutions relative to a new division of the Judicial Districts in *Lower Canada*, and to the construction of Court Houses and Gaols in the same;

MR. FELTON expressed his entire concurrence in the remarks of the hon. Attorney General East, with reference to the decentralisation of the judicial system. He would however object to building Court Houses with any of the money.⁶⁵

MR. DORION regretted that he had not the same reason for agreeing with the remarks of the ... hon. Attorney General East, as the hon. member for Sherbrooke had. He felt persuaded that one of the evil effects of this measure would be to seriously injure the legal profession. Before tea-time that evening, the hon. member for Richmond and Wolf[e] expressed the greatest dissatisfaction with the policy of the hon. Attorney General East. After tea, however, the virtuous and consistent member for Wolf[e] changed his mind, and turning right round expressed the utmost satisfaction in the hon. Attorney General East's motion. It was not for him (Mr. Dorion) to say anything respecting the motives which induced that hon. gentleman to act thus. It was not for him to hint anything respecting the share of this money which, from the hon. Attorney General East's remarks, that hon. gentleman expected to receive, or that he would not have been satisfied unless he got a share of the money. The House might form its own opinion on that subject.⁶⁶

MR. AT. GEN. DRUMMOND said that although this was a matter which seriously affected that profession to which he belonged and which he loved, yet he trusted the gentlemen in that profession would not be found wanting in a case like the present, when they were called on to make a small sacrifice in order to secure a great good.⁶⁷

MR. A. DORION (Montreal) was not opposed to the principle of decentralization. He had always advocated it, and he did not care whether it injured the profession or not, and therefore the insinuations of the Attorney General were quite gratuitous upon this occasion. But he could not shut his eyes to the fact that injustice is done to the city and county of Montreal. He was in favor of decentralization, but he did not see why the money belonging to the city and county of Montreal should be taken away from them at a time when they required it themselves. He did not see why the whole cost of building the Court House at Montreal should be thrown upon two or three counties. They were entitled to their share of the Clergy Reserve Fund as much as any other district, and he saw no reason why they should be deprived of it.⁶⁸

The resolutions were finally carried and the Committee rose and reported progress.⁶⁹

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Dufresne* reported, That the Committee had come to several Resolutions.

Ordered, That the Report be received on Friday next.

The Order of the day for the second reading of the Bill to incorporate the *Kingston and Newburg* Railway Company, being read;

On motion of MR. AT. GEN. J.A. MACDONALD,⁷⁰

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The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to make better provision for promotion of Superior Education and the establishment and support of Normal Schools in *Lower Canada*, and for other purposes, being read;

The Honorable Mr. *Cartier* moved, seconded by the Honorable Mr. *Lemieux*, and the Question being proposed, That the Bill be now read a second time;

MR. BROWN said the proposal of the Bill was, that £22,000 per annum should be set aside for what the honourable gentleman called the superior education of Lower Canada — that is, for the support of academies, nunneries, colleges and such institutions. It amounted to this, that £22,000 should be given for the education of 10,000, or at the most, 15,000 children, the highest number claimed by the honourable gentleman himself, as likely to be benefited by the bill, while all the rest of the children of Lower Canada, some 300,000 in number, were only to have £18,000 or £19,000 set apart for their education. This one feature of the Bill was quite sufficient to condemn it. (Hear, hear.) But besides this, the honourable gentleman proposed to take away from the control of the house, funds which had hitherto been annually at its disposal, and to give the distribution of them to the superintendent of education. Nothing could be more destructive than to clothe one individual, with uncontrolled power over all the educational institutions of the country, by saying he will give £500 to this, £100 to that, and none at all to another. The honourable gentleman ought either to let this money be expended by the annual vote of the house, as he proposed in this very Bill to do with the funds for Upper Canada, or he should bring in some definite proposal for putting superior education in Lower Canada on a proper footing, by establishing national institutions and dividing equitably amongst them the grants from the public exchequer, instead of leaving it to Mr. Chauveau to distribute the public money just to such institutions as he chose. He, for one, should vote against the Bill.⁷¹

MR. A. DORION (Montreal) was more averse to the bill now before them than he was to the resolution[s] of the Provincial Secretary.⁷² [His] objections to the Bill were very numerous, some of them being to the principle of the Bill, and he should therefore feel bound to vote against its second reading. The first objection he took to it was that it removed the large sum of £22,000 per annum out of the control of this house, and left its distribution exclusively and solely under the guidance and direction of the Superintendent of Education, subject to the instructions he might receive from the members of the Administration. Another objection was, that a large portion of the Common school fund would be taken away to make this £22,000 for superior education, while no provision at all was made in the other Bill for increasing the common school fund.⁷³ On this point the bill was very objectionable — because it stated that whatever deficiency there is shall be taken out of the sum appropriated to Common Schools. The hon. member for Lambton had properly remarked that the children [to] whom this £22,000 is to be applied number only about 15,000; while those who require common school education number about 300,000. Yet the only sum appropriated by law for common school purposes is £24,000, while it was proposed to give £22,000 for higher education, although those who get that higher education are generally the children of the rich,⁷⁴ who were well able to pay for education. Instead of increasing the common school fund, as had been asked in every report of the Superintendent of Education for the last five or six years, the Provincial Secretary proposed to take away a large amount of it, to be devoted to superior education. (Hear, hear.) These reasons, he thought, were quite sufficient, to induce every member of the house, who desired the advancement of education in Lower Canada, to vote against the Bill. He had always contended that they ought as much as possible to assimilate the system of education in Lower Canada to that in Upper Canada, and he was opposed therefore to placing the immense power now proposed in

the hands of the Superintendent of Education. He thought it would be much better to give the Board of Public Instruction, created by the other Bill, the distribution of this £22,000.⁷⁵ Had the bill provided that..., the objection would not have been so forcible..., although he preferred the former mode. But not even this safeguard had been provided.⁷⁶ The Bill seemed carefully worded, so as to prevent the Board of Public Instruction from exercising any control over superior education.⁷⁷ It had much less power than in Upper Canada.⁷⁸ He would therefore move that the bill be read a second time this day six months.⁷⁹

MR. FELTON made some rambling remarks in which he seemed to misapprehend the statements of the hon. member for Montreal.⁸⁰

MR. A. DORION said he was of opinion that the fund should be distributed by this House, but there might have been some reason for a different principle of [sic] the fund had been left to a council of public instruction to be by them divided. He would have approved of that mode, although he considered the other preferable.⁸¹

MR. FELTON said in Upper Canada the Superintendent, and not the Council of public Instruction, divided the funds, the Council only regulated the system of instruction.⁸² The member for Lambton had on a former occasion taken up the ground that the object of the Bill was to take the Jesuits' Estates out of the hands of the Province, and place them again in the hands of the Jesuits. He [Mr. Felton] denied that that would be the effect of the Bill. He denied also that the Government had hitherto encouraged Catholic education more than Protestant education in Lower Canada. The fact was the reverse, for he found that of the educational grants last year, £17,000 were voted to 746,000 Catholics, and £8,000 to 143,000 Protestants.⁸³ The former were getting only 6½d while the latter got 1s 2d, or more than double. This was the distribution of a priest-ridden government. With respect to the annual vote, even in England a grant to Maynooth which had been made by Sir Robert Peel some 15 years ago was lost recently — as a mere question of party tactics. These annual votes would thus make the grants uncertain and do injury to the cause of education.⁸⁴

MR. CHAPAIS was in favor of the bill. While the office of Superintendent was non-political, the distribution of the fund might very safely be left with him.⁸⁵ The grant in favor of superior education was needed and usually made.⁸⁶

MR. PAPIN spoke very earnestly against the principle which he contended was an unconstitutional and dangerous one of giving up the control of the public monies to the Superintendent.⁸⁷ He said that ... members of the Opposition were against the Bill, it was not because they had any disinclination to the appropriation and spreading of Superior Education in Lower Canada, but on account of the manner in which the measure was submitted, and of its provisions. And neither did they approve of the attention of the Government being directed to Superior Education in Lower Canada, to the neglect of Elementary. He was decidedly in favour of Superior Education, but he did not like this partiality.⁸⁸ Superior education had always been well enough cared for in Lower Canada. It needed no more fostering nor favor, while elementary education had been neglected. It was elementary education that required their fostering care; yet this bill proposed to foster superior education at the expense of the common school fund. He hoped this would never be submitted to.⁸⁹ If, according to this system, the Government was guilty of favoritism, what would be the case when the house altogether lost control over this distribution, and the Superintendent of Education had the sole power over it? It had been asserted that that officer was not a political man, but it was a well known fact that for fifteen years he had been in the political world, and it was by his political struggles in fact that he had obtained the situation which he now held⁹⁰, and [he] would be made an instrument in the hands of the Government to favor their own friends.⁹¹

MR. LABERGE said he would vote for the second reading of the bill, although he did not approve of its details. The clause leaving the distribution of the funds in the hands of the Superintendent was a dangerous one, because it in fact gave unlimited power to the Government, and would expose the Superintendent to this construction by mixing him up with party cliques and party jobs from which he ought to be entirely free. But this did not interfere with the principle of the bill, although if it were not removed in committee he would perhaps vote against the bill at its third reading. Being, however, in favor of promoting superior education in Lower Canada, he would vote for the second reading.⁹²

MR. MACKENZIE thought this was strange sort of legislation. Twenty-five years ago, when he had the ho[n]our of a seat on this floor, they got all the ministers of the different persuasions to come and say prayers for them; but when the English church clergyman found he was not to get a monopoly of the work, he moved off with his praying stool and his book, and they never saw his face again. Even then they wanted all the prayers they could get, but he thought they were worse considerably now. Last Session of this very House, they agreed in Quebec to separate Church and State, and now they propose to give by this bill the whole of these Jesuit's estates — the last Jesuit having died some 60 years ago — to the Governor, no matter who he may be, to divide among the few at the expense of the many, to give it for the education of the sons of attorneys and lawyers and merchants, and those who call themselves *gentlemen* in Lower Canada while they keep it from the people to whom it belongs. This was a most dishonest House. If they wanted the character of the Government, they had only to go out of doors and they would get it.⁹³ The Administration were not sincere in bringing the measure forward, and they did not mean to carry it out fairly. Now when the question of education of the masses of mankind was before the house, he was heartily in favour of appropriating money for that purpose, but did not this Bill allow the Governor General to maintain Popery, Supremacy, the Turkish religion, and with it "Mormonism" in the country, and permit money to be unjustly voted away for purposes which would not benefit the people at large.⁹⁴ And there was no doubt that it would carry by a majority (hear, hear.) O yes, they would get their bill. He grieved to see that such a measure should find a majority on this floor to support it. He would not say that it was bribery and corruption that caused them to do so, because that would be unparliamentary. But he would say, if it was not bribery and corruption, he would like gentlemen opposite to say what it was. To bring in so disgraceful a bill, was degrading to the Province. It was a shame for any member from Lower Canada to have brought in such a bill. He regretted that he should be a member of any Assembly that would sanction it.⁹⁵ He was in favour of Normal Schools, but would they be established if this Bill passed? No. Experience of the past supported such a conclusion. Upon the whole, he was very much in favour of the people of Lower Canada being properly educated, and if that boon were to be conferred upon them there would be a more enlightened class of Representatives in that house, from that quarter than there now was.⁹⁶ But he could not support this way of giving them money. He accorded very cheerfully with the remarks of the hon. and learned member for Montreal, a gentleman who represented more of God's creatures in Lower Canada than any other member in this House. He would vote for that gentleman's amendment to give the bill the six month's hoist, and he hoped that the other gentlemen from Montreal would support their hon. colleague. The hon. member here alluded to the fact, that the Imperial Ministry had been defeated in their vote upon the Maynooth grant as stated in this night's telegraph, and said if such was the case, it was an additional reason why they should reject this bill, because it was much more reasonable to continue that grant than to force such a bill as this through the House. Public opinion had however begun to speak out in reference to the proceedings of this House, and although they may continue a little while longer, a day of reckoning will come, and hon. gentlemen would then meet the frowns of the people they are now deceiving. He was opposed to the bill, and hoped it would not be carried.⁹⁷

MR. DUFRESNE would vote for the Bill, and was sorry to see the Opposition oppose all measures brought forward to educate the people of Lower Canada, because they did not agree in all the details of

them. It was all very well for honourable members to accuse the Government of bribery and corruption, but they must consider that if they (the Opposition) were placed on the treasury benches, they would be equally open to the same imputations.⁹⁸ He would not deny that those who opposed the measure were sincere friends of education but they knew that other opponents of education out of the House had, while making the same professions, excited opposition to education because of the defects of the law. He hoped similar tactics were not to be adopted now. He thought the very best person to distribute this fund was the Superintendent, a non-political officer, charged with the care of promoting education in the country, and considering the best means of doing so.⁹⁹ It was very unjust to suppose that the Superintendent of Education was influenced by political prejudices, or would be, and he looked upon that official as being a man of integrity in whom all confidence could be placed.¹⁰⁰ He did not believe that either the present Government nor their successors from the opposition would ever have the baseness to misrule the patronage of the distribution of this educational fund.¹⁰¹

MR. TURCOTTE thought that too much was being done to build up the superior class of educational institutions in Lower Canada at the expense of Common Schools.¹⁰² [He] urged, very strongly, the objection to the withdrawal of any funds from the immediate control of Parliament. If this fund might be removed any other and all others might be. Every such removal was an infringement of Constitutional right, and dangerous to the liberty of the people.¹⁰³ Still he considered there were some good points in the Bill, and he should not vote against its second reading, in the hope that it might be amended in committee.¹⁰⁴

MR. C. DAOUST was opposed to the common school fund being broken in upon for the support of superior schools.¹⁰⁵ [He] contended that there was no necessity for this bill. The Institutions of Superior Education were just as well provided for last year.¹⁰⁶ As regarded handing over the distribution of the funds to the superintendent of education, instead of being annually voted by the house, he thought it absurd to argue that the house would retain its control by being able to make the Government responsible, after the money was all spent.¹⁰⁷ The country did not desire a measure of this kind, unless subject to the control of parliament.¹⁰⁸ He should vote for the amendment.¹⁰⁹

A vote was then taken on Mr. Dorion's amendment¹¹⁰.

(406)

Mr. *Antoine Aimé Dorion* moved in amendment to the Question, seconded by Mr. *Papin*,¹¹¹ That the word "now" be left out, and the words "this day six months" added at the end thereof; And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Bourassa, Brown, Cameron, Christie, Charles Daoust, Darche, Delong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Frazer, Galt, Gamble, Gould, Hartman, Holton, Huot, Jackson, Jobin, Mackenzie, Marchildon, Matheson, Papin, Patrick, Powell, Rankin, Sanborn, Valois, and Young.* — (31.)

(406-407)

NAYS.

Messieurs *Brodeur, Burton, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Conger, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Lumsden, Attorney General Macdonald, McCann, Meagher, Joseph C. Morrison, Angus Morrison, Niles, O'Farrell, Polette, Poulin, Pouliot, Price, Rhodes, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, Spence, Stevenson, Taché, Thibaudeau, and Turcotte.* — (56.)

So it passed in the Negative.

(407)

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Brodeur, Burton, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Conger, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Gutvremont, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Lumsden, Attorney General Macdonald, McCann, Meagher, Joseph C. Morrison, Angus Morrison, Niles, O'Farrell, Polette, Poulin, Pouliot, Price, Rhodes, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, Spence, Stevenson, Taché, Thibaudeau, and Turcotte. — (56.)

NAYS.

Messieurs Aikins, Bell, Bourassa, Brown, Cameron, Christie, Charles Daoust, Darche, Delong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Frazer, Galt, Gamble, Gould, Hartman, Holton, Huot, Jackson, Jobin, Mackenzie, Marchildon, Matheson, Papin, Patrick, Powell, Rankin, Sanborn, Valois, and Young. — (31.)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

MR. PROV. SEC. CARTIER then moved the House into Committee of the Whole on the bill.¹¹²

MR. HOLTON would object to the motion — the Provincial Secretary having distinctly stated that he did not mean to move the House into committee on the bill.¹¹³

MR. PROV. SEC. CARTIER explained that when he made that statement he did not expect any discussion on the bill. Discussion had again risen on it, however, and in order to put an end to such reiterated and useless discussions, he would persist in his motion.¹¹⁴

(407)

Resolved, That this House will immediately resolve itself into the said Committee.
The House accordingly resolved itself into the said Committee;

MR. MACKENZIE objected to several of the clauses, the members meanwhile keeping up a perfect *claque* with their feet — and the greatest disorder prevailing.¹¹⁵

(407)

and after some time spent thereon, Mr. Speaker resumed the Chair; and Mr. *Felton* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Report be received on Friday next.

The Order of the day for the second reading of the Bill to amend the Common School Laws, and further to promote Elementary Education in *Lower Canada*, being read;

MR. PROV. SEC. CARTIER moved the second reading of the Bill¹¹⁶.

MR. A. DORION pointed out several objectionable features in the bill.¹¹⁷ [He] objected to the 14th clause, which enabled the superintendent to pay the share of the fund to districts not having complied with the law by raising the necessary sum by local tax.¹¹⁸

MR. PROV. SEC. CARTIER explained that the grant was apportioned money, and given to the municipalities, not the districts — where a district did not comply with the law. This money now had to be deposited, to the credit of the municipality [sic], in a savings bank. Their balances were increasing and laying idle for years, through the obstinacy of these refractory districts.¹¹⁹

MR. A. DORION withdrew his objection on this part, but there were great defects on the bill. The people should have a right to tax themselves to any amount. There should be no limit set. The

application of funds to the establishment of Model Schools in each parish was injudicious. It would be better to have a larger sum given for a better school in each county. He would vote for the 2d reading [of] the bill as an improvement of the present law, but the Government ought to have introduced a clause regulating the amount of the annual grant.¹²⁰

MR. C. DAOUST (Beauharnois) thought also that Government should be prepared by this bill to increase the grant. He would, therefore, move in amendment¹²¹ — "That the Bill be not now read a second time, but that an Address be presented to his Excellency, asking him to recommend to this house an increase in the annual fund for the common schools from £50,000 to £100,000 per annum."¹²²

[The motion was] seconded by MR. J. DORION.¹²³

MR. SICOTTE the SPEAKER ruled that the amendment was not in order.¹²⁴

The Bill was then read a second time¹²⁵.

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| (407) | The Bill was accordingly read a second time; and committed to a Committee of the whole House. |
| (408) | <p><i>Resolved</i>, That this House will immediately resolve itself into the said Committee.</p> <p>The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. <i>Ferres</i> reported, That the Committee had gone through the Bill, and made amendments thereunto.</p> |

MR. GALT [asked a question].¹²⁶

MR. PROV. SEC. CARTIER said that the council of public instruction would be constituted as nearly as possible in the same manner as that in Upper Canada. All shades of opinion would be fairly represented.¹²⁷

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| (408) | <p><i>Ordered</i>, That the Report be now received.</p> <p>Mr. <i>Ferres</i> reported the Bill accordingly; and the amendments were read, and agreed to.</p> <p><i>Ordered</i>, That the Bill be read the third time on Friday next.</p> <p>The Order of the day for the second reading of the Bill to incorporate the Town of <i>Clifton</i>, being read;</p> |
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On motion of MR. J. MORRISON,¹²⁸

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| (408) | <p>The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.</p> <p>The Order of the day for the House in Committee to take into consideration certain Resolutions relating to the Agricultural Societies in <i>Lower Canada</i>, being read;</p> <p>The Honorable Mr. Attorney General <i>Drummond</i>, a Member of the Executive Council, by command of His Excellency the Governor General, then acquainted the House, that His Excellency having been informed of the subject-matter of this Motion, recommends it to the consideration of the House.</p> |
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On motion of MR. SOL. GEN. D. ROSS,¹²⁹

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| (408) | <p>The House then resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. <i>Rhodes</i> reported, That the Committee had come to several Resolutions.</p> |
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Ordered, That the Report be now received.

Mr. *Rhodes* reported the Resolutions accordingly; and the same were read, as follow: —

1. *Resolved*, That it is expedient to amend the several Acts of this Province relating to the organization of Agricultural Societies in *Lower Canada*, and to extend their provisions to the new Counties created for the purposes of Representation.

2. *Resolved*, That it is expedient to enable the Agricultural Societies more effectually to promote the improvement of Horticulture, and that they be authorized to appropriate, out of the Funds at their disposal, a sum not exceeding Thirty-seven pounds ten shillings, for that purpose.

3. *Resolved*, That the maximum sum to be paid by the Governor of this Province to the County, or Societies of any County, be established at Two hundred pounds.

The said Resolutions, being read a second time, were agreed to.

Ordered, That Mr. Solicitor General *Ross* have leave to bring in a Bill to amend the Act 16 *Vic.* cap. 13, intituled, "An Act to provide for the better organization of Agricultural Societies in *Lower Canada*, and for other purposes connected with Agriculture in *Upper* and *Lower Canada*."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Then, on motion of the Honorable Mr. Attorney General *Drummond*, seconded by Mr. Solicitor General *Ross*,

The House adjourned until Friday next.¹³⁰

Appendix

[NOTICE OF MOTION FOR RESOLUTIONS RE: UNION ACT.]

MR. MERRITT has given notice that, on the 12th inst., he will move in the House the subjoined resolutions...:

1st. — *Resolved*, — That by the Imperial Acts 3rd and 4th *Vic.*, reuniting the Provinces of Upper and Lower Canada, and constituting a united Legislature to make laws for the peace, welfare and good government thereof, no restriction or check is provided against either excessive taxation, unnecessary expenditure or the creation of an unlimited public debt; nor is there any guarantee for the maintenance of the public credit.

2nd. That the amount of Customs Duties has been increased since the period of the Union from 2½ per cent *ad valorem*, to 15 per cent, being an advance of 600 per cent., although the population has merely doubled in number during that period.

3rd. That in consequence of the public expenditure of this Province being practically under the control of the Executive Government, personal, local and sectional influences are constantly brought to bear upon the Government of the day as well as upon Parliament, inducing many unnecessary expenses and undertakings not warranted by the prospect of an adequate return.

4th. That in 1848 the revenue did not suffice to pay the current expenses of the public service, the deficiency being made up by the issue of bills of credit, although the annual expenditure at that period had not reached half a million.

5th. That in 1849 the Administration introduced a system of Finance under the provisions and restrictions of Acts of parliament.

1. Under the 12th *Vic.*, cap 1, an increased duty of 5 percent was imposed on imports.

2. Under the 12th *Vic.*, cap 5, section 5, this increase was appropriated for the purpose of erecting a Sinking Fund; by authorizing the Governor in Council "to direct the tr[an]sfer from the

Consolidated Revenue Fund to the Sinking Fund of any unappropriated revenue which it may at the close of each year be found practicable to apply towards the extinction of the Public Debt; but although this revenue has increased to over one million of pounds, no part has been so applied.

3. Under the 12th Vic, cap 5, section 2, debentures were authorized to be issued to the amount of £250,000 to pay off all existing liabilities.

4. The same Act, section 12, authorized the sale of all local public works, constructed out of the Provincial Revenue and under the management of the Government; nevertheless, instead of the expenditure of the Public Revenue on similar works having been diminished, it has been materially increased.

5. Under the 12th Vict, cap 29, public aid was extended to all Railways alike in all the parts of the Province, under such restrictions as would effectually guard the public against loss.

6. These restrictions were virtually removed by the 14th and 15th Vic, cap 72, which confined the guarantee to the Grand Trunk, Northern and Great Western Railway Companies; and the 22nd clause of the same Act authorized the Governor in Council to issue Debentures, payable in England instead of Canada in exchange for the bonds of the Companies.

7. By the 28th section of 16 Vic, cap 37, the public guarantee was limited to £3,000 sterling per mile, to be paid in the proportion of £40 for every £100 expended, but by the insertion of a proviso referring to the 22nd clause of the Act of 1851, the objects in view were defeated and the effect has been to render the Province liable for one-tenth more than was intended, and to increase the public liability from the 10th November, 1852, to the 18th December, 1854, to about £5,000,000 for Railways alone.

6th. That under 12th Vic, cap 81, section 177, the Municipalities were restrained from creating an unlimited public debt by requiring them to impose a direct tax at the time of contracting any loan, to create a Sinking Fund sufficient to insure its redemption within twenty years. This restraint was virtually removed in 1852 by the 16th Vic, cap 22, since which a debt of £3,000,000 has been authorized, one-half in each Province, without a direct tax being required to be imposed at the time the Loan is contracted.

7th. That under the 12th Vic, cap 200, section 1, the proceeds of all the Public Lands in Canada were inviolably appropriated to create a School Fund, until the interest should amount to a clear income of £100,000 per annum. Notwithstanding the gross proceeds of the public domain since that period amounted to the sum of £518,410, no part of the Capital had been applied to that object.

8th. That on the 30th July, in the same year, a Minute in Council pledged the Government not to involve the Province in any large amount of debt, but to reduce the liabilities as rapidly as its increased revenue would permit, and referred to the 12th Vic, cap 5, as an evidence of the policy intended to be pursued in future. This Order in Council has been superseded by the first clause of the 14th and 15th Vic, cap 73, which invests the agents of the Province, in England, with a negative upon the creation of any future debt, not authorised by Acts of Parliament prior to 1851. — This check has afforded no security to the public, inasmuch as the liabilities of the Province have been since increased in a far greater ratio than at any former period.

9th. That the fact that the surplus Revenue has exceeded £200,000 per annum, affords the strongest evidence that had the increased revenues been faithfully applied from year to year, to the Sinking Fund, under the policy adopted in 1849, the Provincial Debt would have been liquidated in a few years.

10th. That the result proves that no reliance can be placed on Acts of Parliament, in restraint of itself, or on Provincial Agents residing in England.

11th. That the public expenditure has increased from £312,648 at the time of the Union, to £1,075,326 in 1854. The liabilities of the Province from one and a quarter millions to near twelve millions, while the provincial debentures at six per cent having twenty years [sic] to run, and secured on the general revenues of the Province, are at a discount of five per cent. Those secured by direct taxation, under the

Consolidated Loan Fund Act, of ten per cent, and municipal debentures with the like security of direct taxation, of twenty per cent.

12th. That this Province has been in a state of almost unprecedented prosperity since 1853, from the large expenditure of capital suddenly introduced in the construction of railways, and the high price of agricultural productions arising from the war in Europe, but these causes having ceased to operate the interest can no longer be paid out of the principle [sic]. The provincial debt of Canada, unlike the national debt of England, where the interest flows back among her people, has been contracted abroad, and should the same system be continued, will constitute an annual drain upon her resources; to pay this debt, all public improvements will be suspended, taxes will be increased, trade depressed, agricultural productions lessened in value, public credit impaired, and the same general dissatisfaction will prevail as in 1848 and 1849.

13th. That in the event of a constitutional check on public expenditure being adopted, with the striking advantages Canada possesses in her political connexion, elements of wealth, and geographical position, the aid of the credit of the Mother Country, and her own internal resources, her public debt can be paid off in as short a time, as a large common school fund for general education can be secured, her public taxes can be reduced to as low rates, her public credit raised to as high a premium, and the same confidence in her financial policy established as will be the case with any other country on the continent of America.

14th. That there are only two modes of protecting the public against this excessive increase of debt and expenditure; one by procuring from the Imperial Parliament a modification of the Union Act, introducing such additional provisions as may under our system of Government be more comformable [sic] to the requirements of sound constitutional principles; the other by allowing the people represented in a convention, to be called with the sanction of the Imperial Government, to frame a constitution for their own protection.

15th. That in Canada, as a Colonial British Dependency, the former course is likely to be better understood, meet with less opposition and be brought sooner into operation, therefore, *Resolved*, — That an Address be presented to Her Majesty praying that she will be pleased to lay before the two Houses of the Imperial Parliament the following amendments to the Union Act, that is to say:

1st. That after paying the interest of the Provincial Debt for the time being, a sum not less than 3 per cent upon, together with the increased revenues of the Province, accruing from year to year shall be set apart, and invested in public securities, as a Sinking Fund for the redemption thereof, and shall not be applied to any other purpose.

2nd. That the entire proceeds of all the public lands within this Province shall be invested in a Common School Fund, the capital of which shall be preserved inviolate and the interest applied to the support of Common Schools and the creation of District Libraries.

3rd. That the credit of the Province shall not be given or loaned to, or in aid of any private enterprise, either by individuals or Corporations.

4th. That no new loan shall be contracted without a direct annual Tax being imposed sufficient for the payment of the interest, and the extinction of the principal, within 30 years after such loan shall have been contracted, nor until the said proposed loan shall have been submitted to the people and have obtained their assent, — (except to repel invasion, or in the time of war.)¹³¹

5th. That no monies shall ever be paid out of the Consolidated or other Public Revenue, or out of any Funds under the management or subject to the control of the Government, except in pursuance of an appropriation by Act of the Legislature, nor after the expiration of two years from the date of such appropriation, and that every Act making a new appropriation or continuing a former one, shall distinctly specify the sum appropriated, and the object to which it is to be applied; and it shall not be sufficient for such Act to refer to any other Act to fix such sum.

6th. That it be declared that the legal Tribunals of this Province are invested with power to determine all cases of conflict between the Union Act of the Provincial Parliament made under the authority of the same, and to determine all controversies which may arise between the Crown

as representing this Province and individuals; and that power be given them to entertain and determine all claims or complaints which individuals may have against the Government of the Province.¹³²

[DISCUSSION RE: TARIFF DISCLOSURES.]

[MR. HOLTON rose to move his motion regarding tariff disclosures.]¹³³

MR. AT. GEN. J.A. MACDONALD. — Is there any notice of it on the paper?¹³⁴

MR. HOLTON. — There is.¹³⁵

MR. AT. GEN. J.A. MACDONALD. — Then it must wait until it comes up in its turn.¹³⁶

MR. HOLTON. — I postponed it last night, the Attorney General East having requested me to do so, the Provincial Secretary not being in his place. But I suppose the Provincial Secretary would wish the matter disposed of at the earliest possible moment.¹³⁷

MR. SOL. GEN. H. SMITH. — We want to go on with other matters.¹³⁸

The matter then dropped.¹³⁹

[DISCUSSION RE: HOUSE PRINTING.]

MR. CHABOT complained of the great delay which took place in the printing of the House.¹⁴⁰ It was most shameful.¹⁴¹

MR. PAPIN concurred with the hon. member. There was also a serious lack of system in the translating department.¹⁴²

MR. FOURNIER stated that Lower Canada was grossly neglected, in the printing of the public documents. Those printed in English were much larger than the French.¹⁴³

Footnotes

1. Telegraph (*Montreal Gazette*, 1 May 1856).
2. Telegraph (*Montreal Gazette*, 1 May 1856), reports that "Mr. Drummond, from the Committee on the several bills for the establishing [of] new circuits in Lower Canada, reported they had condensed their provisions into a single bill, which they reported".
3. *Toronto Daily Leader*, 2 May 1856.
4. *Ibid.*
5. *Ibid.*
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. *Ibid.*
12. *Ibid.*

13. *Globe*, 1 May 1856.
14. *Toronto Daily Leader*, 2 May 1856.
15. *Globe*, 1 May 1856.
16. *Ibid.*
17. *Toronto Daily Leader*, 2 May 1856.
18. *Globe*, 1 May 1856.
19. *Toronto Daily Leader*, 2 May 1856.
20. *Globe*, 1 May 1856.
21. *Globe*, 1 May 1856. *Toronto Daily Leader*, 2 May 1856, reports that "Mr. Gamble's convictions were so strongly in favor of the bill, that he also should vote against the amendment." According to the *Journals* and to *Globe*, 1 May 1856, however, Mr. Gamble voted in favour of the amendment. This opinion may have been expressed by another member.
22. *Globe*, 1 May 1856.
23. *Ibid.*
24. *Toronto Daily Leader*, 2 May 1856.
25. *Globe*, 1 May 1856.
26. *Ibid.*
27. *Ibid.*
28. *Ibid.*
29. *Ibid.*
30. *Ibid.*
31. *Ibid.*
32. *Ibid.*
33. *Ibid.*
34. *Ibid.*
35. *Ibid.*
36. *Ibid.*
37. *Ibid.*
38. *Toronto Daily Leader*, 2 May 1856.
39. *Montreal Gazette*, 2 May 1856.
40. *Toronto Daily Leader*, 2 May 1856.
41. *Montreal Gazette*, 2 May 1856.
42. *Ibid.*
43. *Toronto Daily Leader*, 2 May 1856.
44. *Montreal Gazette*, 2 May 1856.
45. *Ibid.*
46. *Toronto Daily Leader*, 2 May 1856.
47. *Ibid.*
48. *Ibid.*
49. *Montreal Gazette*, 2 May 1856.
50. *Toronto Daily Leader*, 2 May 1856.
51. *Montreal Gazette*, 2 May 1856.
52. *Toronto Daily Leader*, 2 May 1856.
53. *Ibid.*
54. *Montreal Gazette*, 2 May 1856.
55. *Toronto Daily Leader*, 2 May 1856.
56. *Hamilton Spectator Semi-Weekly*, 3 May 1856.
57. *Toronto Daily Leader*, 2 May 1856.
58. *Ibid.*
59. *Ibid.*
60. *Ibid.*
61. *Ibid.*
62. *Montreal Gazette*, 2 May 1856.
63. *Globe*, 1 May 1856.
64. *Ibid.*
65. *Toronto Daily Leader*, 2 May 1856.
66. *Toronto Daily Leader*, 2 May 1856. This newspaper does not specify whether the speaker was Mr. A. Dorion or Mr. J. Dorion. No other newspaper reports this speech.

67. *Toronto Daily Leader*, 2 May 1856.
68. *Ibid.*
69. *Ibid.*
70. *Ibid.*
71. *Globe*, 1 May 1856.
72. *Toronto Daily Leader*, 2 May 1856.
73. *Globe*, 1 May 1856.
74. *Toronto Daily Leader*, 2 May 1856.
75. *Globe*, 1 May 1856.
76. *Toronto Daily Leader*, 2 May 1856.
77. *Hamilton Spectator Semi-Weekly*, 3 May 1856.
78. *Montreal Gazette*, 2 May 1856. This newspaper reports a further section of Mr. Dorion's speech which unfortunately contains many grammatical errors: "The balance of the fund over the revenue derivable from the Jesuits' Estates the total amounting almost to £19,000, out of the consolidation revenue, would come out of the Common School fund taking therefrom £7,000 or £8,000 annually out of the Common School Fund."
79. *Toronto Daily Leader*, 2 May 1856.
80. *Ibid.*
81. *Ibid.*
82. *Montreal Gazette*, 2 May 1856.
83. *Globe*, 1 May 1856.
84. *Montreal Gazette*, 2 May 1856.
85. *Toronto Daily Leader*, 2 May 1856.
86. *Montreal Gazette*, 2 May 1856. *Globe*, 1 May 1856, reports that Mr. Chapais spoke in French. This newspaper also reports a longer version of Mr. Chapais' speech, but unfortunately, much of the speech is illegible.
87. *Montreal Gazette*, 2 May 1856.
88. *Globe*, 1 May 1856. The ellipsis represents illegible words.
89. *Toronto Daily Leader*, 2 May 1856.
90. *Globe*, 1 May 1856.
91. *Toronto Daily Leader*, 2 May 1856.
92. *Ibid.*
93. *Ibid.*
94. *Globe*, 1 May 1856.
95. *Toronto Daily Leader*, 2 May 1856.
96. *Globe*, 1 May 1856.
97. *Toronto Daily Leader*, 2 May 1856.
98. *Globe*, 1 May 1856.
99. *Toronto Daily Leader*, 2 May 1856.
100. *Globe*, 1 May 1856.
101. *Toronto Daily Leader*, 2 May 1856.
102. *Globe*, 1 May 1856.
103. *Montreal Gazette*, 2 May 1856.
104. *Globe*, 1 May 1856.
105. *Ibid.*
106. *Montreal Gazette*, 2 May 1856.
107. *Globe*, 1 May 1856.
108. *Hamilton Spectator Semi-Weekly*, 3 May 1856.
109. *Globe*, 1 May 1856.
110. *Ibid.*
111. *Globe*, 1 May 1856, reports that Mr. A. Dorion's amendment was seconded by Mr. Brown.
112. *Toronto Daily Leader*, 2 May 1856.
113. *Ibid.*
114. *Ibid.*
115. *Toronto Daily Leader*, 1 May 1856.
116. *Globe*, 1 May 1856.
117. *Ibid.*
118. *Montreal Gazette*, 2 May 1856.
119. *Ibid.*

120. *Montreal Gazette*, 2 May 1856.
121. *Ibid.*
122. *Globe*, 1 May 1856.
123. *Ibid.*
124. *Ibid.*
125. *Globe*, 1 May 1856. *Montreal Gazette*, 1 May 1856, and *Morning Chronicle*, 2 May 1856, report commentaries on this Bill.
126. *Montreal Gazette*, 2 May 1856.
127. *Ibid.*
128. *Globe*, 1 May 1856.
129. *Ibid.*
130. *Globe*, 1 May 1856, reports that the House adjourned "a few minutes before midnight till Friday, (Thursday being a *fête d'obligation*)". *Western Planet*, 12 May 1856, reports that "Thursday, was Ascension Day, and therefore a holiday in the House of Assembly."

Montreal Gazette, 6 May 1856, reports a commentary on this day's sitting, as follows: "The House of Assembly did more work than they have done on any previous day this session, if not, on any previous day since they were elected.... The opposition behaved with a forbearance which did them credit. They raised their points of objection to the measures under discussion, tersely and clearly, wasting no time in interminable harangues; they placed upon the journals amendments embodying their views and then took the divisions. No time was wasted on either side. Even Mr. MacKenzie was disposed to moderation. He has been during all the session more moderate in the length of his harangues than in previous sessions."
131. *Montreal Transcript*, 10 May 1856.
132. *Montreal Gazette*, 8 May 1856. Commentaries on these resolutions are reported in *Pilot*, 5 and 7 May 1856, *Hamilton Spectator Semi-Weekly*, 7 May 1856, and *Morning Chronicle*, 7 May 1856.
133. *Globe*, 1 May 1856, is the only source reporting this debate. Unfortunately, the first section of this report is illegible.
134. *Globe*, 1 May 1856.
135. *Ibid.*
136. *Ibid.*
137. *Ibid.*
138. *Ibid.*
139. *Ibid.*
140. *Toronto Daily Leader*, 2 May 1856.
141. *Toronto Daily Leader*, 1 May 1856.
142. *Ibid.*
143. *Toronto Daily Leader*, 2 May 1856.

FRIDAY, 2 MAY 1856

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THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Crawford*, — The Petition of *A. Sherwood*, Chairman, on behalf of a public meeting of the Inhabitants of the Counties of *Leeds* and *Grenville*; and the Petition of *W.J. Millen* and others, of the Town of *Brockville*.

By Mr. *Cook*, — The Petition of *James McCallum* and others, of the Township of *East Oxford*.

By Mr. *Jobin*, — The Petition of the Reverend *F.M. Turcotte*, Curé, and others, of the Parish of *St. Paul d'Industrie*.

By Mr. *Marchildon*, — The Petition of *T.H. Pacaud* and others, of the Parish of *St. Maurice*, County of *Champlain*.

By Mr. *Christie*, — The Petition of *John Smith* and others, of the Township of *Brantford*.

By Mr. *Murney*, — The Petition of *George Sherry* and others, of the Township of *Hungerford*.

By Mr. *Stevenson*, — The Petition of *Charles Smith* and others.

By Mr. *Conger*, — The Petition of the Reverend *Edward Denroche* and others.

By Mr. *Southwick*, — The Petition of the Reverend *St. George Caulfield* and others.

By Mr. *Munro*, — The Petition of the Municipality of the Township of *Clarke*.

By Mr. *Papin*, — The Petition of the Reverend *E. Normandin* and others, of the Parish of *Lachenaie*; the Petition of the Reverend *E.H. Hicks* and others, of the Parish of *St. Roch*, County of *L'Assomption*; the Petition of the Reverend *T. Hurteau* and others, of the Parish of *St. Lin*; and the Petition of *P. Mowat* and others, of the Parish of *St. Henri de Mascouche*.

By Mr. *Daly*, — The Petition of *A.B. Orr* and others, of *Stratford*; and the Petition of *M.P. Lacroix* and others, of the Parish of *St. Bruno*, County of *Chambly*.

By Mr. *Bell*, — Two Petitions of the Municipality of the Township of *Ramsay*; the Petition of *David Campbell* and others, of the Township of *Ramsay*; the Petition of *Hugh McLean* and others, of the Townships of *Dalhousie* and *North Sherbrooke*; the Petition of *Peter McTavish* and others, of the Town of *Perth*; the Petition of *James Allan* and others, of the Town of *Perth*; and the Petition of *Charles Rice* and others, of the Town of *Perth*.

By Mr. *Jackson*, — The Petition of the Municipality of the Township of *Artemesia*.

By Mr. *Rhodes*, — The Petition of the Municipality of the Township of *Inverness*, County of *Megantic*.

By Mr. *Lyon*, — The Petition of *James Mark* and others, of the Township of *East Hawkesbury*.

By the Honorable Mr. *Cameron*, — The Petition of the Honorable and Right Reverend *John Strachan*, Bishop of *Toronto*, and of the Clergy and Laity of the Diocese of *Toronto*.¹

By the Honorable Mr. *Merritt*, — The Petition of *John L. Ranney* and others, Masters and Owners of Vessels.

By Mr. *Brown*, — The Petition of *G.A. Purviss* and others, of *Litchfield*; the Petition of *A. Bligh* and others, of the Town of *Penetanguishene*; the Petition of *Robert Lyon* and others, of the Village of *Richmond*; and the Petition of *James Hill* and others, of the Townships of *Goulburn*, *Marlborough*, and *Nepean*.

By Mr. *Powell*, — The Petition of *Henry Burritt* and others, of the Village of *Burritt's Rapids*.

By the Honorable Mr. *Cayley*, — The Petition of *J.B. Bluett*, Bailiff of the First Division Court of *Goderich*.

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Pursuant to the Order of the day, the following Petitions were read; —

Of *J. Bourgeois* and others, of *St. Ambroise de Kildare*, County of *Joliette*; of the Reverend *B. Robin* and others, of *St. Antoine de Tilly*; and of *G.L. Marler* and others, of *Drummondville*; praying that no further guarantee may be given to the Grand Trunk Railway Company.

Of the Reverend *H. Potvin, Curé*, and others, School Commissioners and others, of *St. Modeste*, Township of *Whitworth*; praying for aid.

Of the Board of Common School Trustees of the City of *Hamilton*; and of *John T. Dorland* and others, of *Wellington* and vicinity; praying for the repeal of the Separate School Act.

Of the Municipality of the Township of *Louth*; praying that measures may be adopted which, while giving every facility for the introduction of raw materials into this country, will impose such a Duty upon manufactured articles as will protect the manufacturers in *Canada*.

Of *Jacob Noble* and others, of the Township of *St. Catharines*; praying that a Tariff of not less than twenty-five per cent., may be imposed upon *American* Manufacturers coming into *Canada*.

Of the Reverend *F.X. Delâge*, President, on behalf of a Public Meeting of the Inhabitants of *St. Jean Port-Joli*; praying aid to open out Roads through the Townships in rear of the said Parish.

Of the *Hamilton* Board of Trade; praying for the entire repeal of the Usury Laws of *Western Canada*.

Of *John Lillie* and others, of the Town of *Wallaceburg*; of *Duncan McLaren* and others, of the Township of *Sombra*; of *Thomas Fenney* and others, of the Township of *Etobicoke*; of *Clarkson Hambleton* and others, of the Township of *King*; of *Silas Snider* and others, of the Township of *King*; of *Robert Johnston* and others, of the Township of *Clarke*; of the Municipality of the Township of *Bosanquet*; of *Thomas Paxton* and others, of the Town of *Amherstburg*; of *Thomas Paxton* and others, of the Town of *Amherstburg*; and of *Alexander McLaren* and others, of the Township of *Caledon*; praying that Representation may be based upon Population.

Of *Charles Roy* and others; praying for certain amendments to the Municipal and Road Act of 1855.

Of the Municipal Council of the County of *Middlesex*; praying that the Bill now before the House to vest certain Lands, granted for Agricultural purposes, in the Agricultural Societies of *Middlesex* and *Elgin*, with power to dispose of the same, may not become Law.

Of *John Brush Seymour*, of the Village of *Frelighsburg*, hatter, executor of the testament of the late *Richard V.V. Freligh*; praying that the Bill now before the House to incorporate the *Frelighsburg* Grammar School may not become Law.

Of *Henry Kalar*, Coroner for the United Counties of *Liconln* [sic] and *Welland*; praying for certain amendments to the Act 13 & 14 Vic. cap. 56.

Of the Right Reverend the Bishop of *Three Rivers*, and others, the Committee of Management of the Schools of the Society of Education; praying for aid.

Of *Hamby Ferguson Cairns*, of the City of *Quebec*, Barrister-at-Law; praying that an inquiry be made into the conduct of *John Maguire*, Police Magistrate for the City of *Quebec*.

Of *Edward Moore* and others, of the City of *Hamilton*; praying that the Bill now before the House to vest a certain portion of the allowance for Roads in the Township of *Trafalgar*, in the County of *Halton*, in the Municipal Council of the Township of *Trafalgar*, may not become Law.

Of the Reverend *Daniel Gordon* and others, of *Kenyon* and *Roxborough*; praying for the abolition of Sunday labor in the Post Office Department, and on the *St. Lawrence* Canals.

Of *W.W. Smith*, of the Village of *St. John*; praying that the House will subscribe for a certain number of copies of a Picture published by him, of the Sitting of the Court organized under the Seigniorial Act of 1854.

On motion of Mr. *Casault*, seconded by the Honorable Mr. *Chabot*,

Ordered, That the Petition of the North Shore Railway Company be now received and read, notwithstanding the expiration of the time fixed by the Rules of the House for the reception of Petitions for Private or Local Bills.

And the said Petition was received and read; praying for the passing of an Act to enable the said Company in connection with any other Company to construct a line of Railway from *Pembroke* to *Lake Huron*.

Ordered, That the Petition of *Rollo Campbell* and *Louis Perrault*, Printers, be referred to the Standing Committee on Contingencies.

Mr. *Fergusson*, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Twelfth Report of the said Committee; which was read, as followeth: —

Your Committee have considered the following Bills, and have agreed to report the same, without amendment, viz: —

Bill to vest in *Daniel Burriss* a certain allowance for Road in the Township of *Marlborough*:

Bill to authorise a Survey of Broken front Concession of the Township of *Darlington*:

Bill to enable the Municipal Council of the Town of *Cornwall* to appropriate the surplus of certain moneys raised for making a macadamized Road.

Also the following Bills, with an amendment to each, viz: —

Bill to vest in *James Taunton* a part of original allowance for Road between lot number forty, on *Talbot* Road east, and number ten in the second range, east of River Road, in the Township of *Southwold*:

Bill to vest in *John Farley*, the younger, of the Township of *Darlington*, Gendeman, the allowance for Road between the North halves of Lots eighteen and nineteen, in the fifth Concession of the Township of *Darlington*.

And the following Bills, with several amendments, viz: —

Bill to amend the several Acts incorporating *La Banque du Peuple*, of *Montreal*:

Bill to incorporate the *Victoria* Mining Company.

On the Bill to confirm certain Surveys and allowances for Roads in the Township of *East Hawkesbury*, Your Committee find the Preamble not proven, as it does not appear to them to be a matter in which Legislative interference is necessary or desirable.

Mr. *Galt*, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Sixth Report of the said Committee; which was read, as followeth: —

Your Committee have had under their consideration the following Bills referred to them: — Bill to amend the Charter of the *Ontario*, *Simcoe*, and *Huron* Railway Company, and Bill to incorporate a Company to construct a Railway from the City of *London* to intersect the Grand Trunk Railway at *St. Mary's*, or at some point north of *London*; to each of which they have agreed to several amendments. And also, Bill to amend the Act incorporating the *Stratford* and *Huron* Railway Company, to which they have agreed to an amendment; the whole of which they submit for the adoption of Your Honorable House.

(412)

Ordered, That the Bill to incorporate a Company to construct a Railway from the City of *London* to intersect the Grand Trunk Railway at *St. Mary's*, or at some point north of *London*, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Papin* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time on Monday next.

Ordered, That the Bill to amend the Charter of the *Ontario*, *Simcoe*, and *Huron* Railroad Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee²; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Clarke* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time on Monday next.

Ordered, That the Bill to vest in *John Farley*, the younger, of the Township of *Darlington*, Gentleman, the allowance for Road between the North halves of lots numbers eighteen and nineteen in the fifth Concession of the Township of *Darlington*, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *McCann* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time on Monday next.

Ordered, That the Bill to vest in *James Taunton* a part of original allowance for Road between lot number forty on *Talbot* Road east, and number ten in second range, east of River Road, in the Township of *Southwold*, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Supple* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time on Monday next.

Ordered, That the Bill to authorize a Survey of Broken front Concession of the Township of *Darlington*, be read the third time on Monday next.

Mr. *Stevenson*, from the Standing Committee on Printing, presented to the House the Fifteenth Report of the said Committee; which was read, as followeth: —

(413)

Your Committee have examined the following documents referred to them, viz: —

Return to an Address for a Statement of the number of Vessels towed in each season by the Tug Boat Contractors below *Quebec*. Recommended to be printed after changing the form, so as to make it as “catalogue work” instead of “rule and figure work.” The usual number to be printed: estimated cost, Fourteen pounds.

Petition of *Charles Powell* and others of the Township of *Delaware*, praying for the passing of an Act to provide for the settlement of the disputed lines in that Township. Recommended to be printed: estimated cost, Two pounds fifteen shillings.

Return to an Address for a Return of the number of Applicants for admission into the *Toronto* Lunatic Asylum, as Lunatics, and the number whose application has been refused from the want of the needful accommodation: as also the number of Lunatics in the different Gaols in the Province. Recommended that the Letter and Statement of the Chief Medical Superintendent of the *Toronto* Lunatic Asylum be printed *in extenso*, and that the Returns by the respective Sheriffs of the Province with reference to the number of Lunatics confined in the Gaols, be printed in tabular form, as prepared by direction of Your Committee. The usual number of copies: estimated cost, Four pounds ten shillings.

Petition of the Town Council of the Town of *Barrie*, praying that the *Ontario*, *Simcoe*, and *Huron* Railroad Company may be required to carry out and complete their Contract with the Municipality of *Barrie* for the construction of a branch line or switch into the said Town of *Barrie*, and the establishment therein of a Depot or Station. Recommended to be printed; the usual number of copies: estimated cost, Three pounds five shillings.

Petition of *E.L. Cressé* and others, heirs and representatives at Law of the late *Pierre Michel Cressé*, Co-Seignior of *Nicolet* and *Isle de la Fourche*, representing that they have a claim to two-thirds of the *Isle de la Fourche*, the property of which has been assumed by the Government, and praying for indemnification. Recommended that it be not printed, as, in the opinion of Your Committee, the claim is of a nature that can only be decided by a Court of Law.

And the Petition of *Joseph Allard* and others, of the Seignior of the Island of *Montreal*, County of *Jacques Cartier*, *Censitaires*, praying for certain amendments to the Seigniorial Tenure Act of 1854. Recommended that it be not printed.

Ordered, That the Bill to vest in *Daniel Burritt* a certain allowance for Road in the Township of *Marlborough*, be read the third time on Monday next.

Mr. *Turcotte*, from the Joint Committee appointed by the Legislative Council and Legislative Assembly for the direction of the Library of Parliament, presented to the House the Second Report of the said Committee; which was read, as followeth: —

The Committee have directed their attention to the propriety of making suitable acknowledgments for the numerous and important Donations which have been received from the Governments of *England* and *France*, and from other sources, in aid of the Library. They have drawn up Resolutions of Thanks, which are herewith submitted; and they recommend the adoption of a Joint Address of both Houses to Her Majesty the Queen, expressive of the gratitude of this House to Her Most Gracious Majesty, and to Her Faithful Ally, the Emperor of the *French*, for their munificent gifts to the Library. Further Resolutions have been framed, expressive of Thanks to the Houses of Lords and Commons, and to other parties, for similar favors, and for assistance rendered to Mr. *Todd* in his mission to *Europe*, last summer, on behalf of the Library.

(414)

The Committee have had under their consideration an Index to the Journals of the Legislative Assembly, from 1841 to 1851, compiled by Mr. *Alfred Todd*, Clerk of the Private Bill Office, pursuant to a Resolution of the House of the 25th August, 1851. They have examined the Work, and are highly satisfied with it; regarding it as of indispensable utility, and evincing much skill and labor in its construction. Mr. *Todd* has received on account, during the progress of the Work, Two hundred and seventy-five pounds, and they recommend that a farther sum of Two hundred and fifty pounds be awarded to him, in full compensation for the same.

They have also examined an application from Mr. *W.S. Hunter*, for assistance in the publication of a series of Views, illustrative of *Canadian Scenery*. The first part, comprising Scenery around the City of *Ottawa*, is very creditably executed, promising well for the future success of the Artist, in other portions of the Work. The Committee have purchased Twenty-five copies of the First Part, for the sum of Fifty pounds.

1. *Resolved*, That the most respectful and grateful Thanks of this House are due, and ought to be presented to Our Most Gracious Sovereign, for the proofs of Her Majesty's solicitude in all that con[c]erns the moral, intellectual, and material progress of this portion of Her Dominions, which have been afforded in the munificent Donations made by Her Majesty, through the several Offices of State in *Great Britain*, consisting of Books, Maps, and Engravings, in aid of the re-construction of the Library of the *Canadian* Parliament, which repeated disasters had almost entirely destroyed. The gratitude of the Legislature is the more deeply felt, inasmuch as the present is not the first time wherein we have experienced the liberality of Her Majesty, in causing the *Canadian* Library to be enriched with Collections of Works valuable for literary research, and useful in aiding the business of legislation.

2. *Resolved*, That it is desirable respectfully to solicit Her Majesty to convey, through the proper channel, to Her Powerful and August Ally, the Emperor of the *French*, the most sincere and heartfelt Thanks of Her Majesty's *Canadian* subjects, for the splendid Donations of Books and Maps presented to the Library of Parliament by the different Administrative Departments of the *French* Government, to whom, likewise, we are indebted for similar liberality extended to us, on a former occasion.

3. *Resolved*, That an humble Address be presented to Her Majesty, founded upon the foregoing Resolutions.

4. *Resolved*, That the Thanks of the House are due, and are hereby given to the House of Lords and to the House of Commons for the extensive and valuable Donation of Journals and Parliamentary Papers presented by the said Houses to the Joint Library of the Parliament of this Province.

5. *Resolved*, That the Thanks of this House are due, and are hereby given to the undermentioned Gentlemen, for their liberality in contributing Donations of Books to the Library: — To the Court of Directors of the Honorable *East India* Company; to the President and Secretaries of the *British* and *Foreign* Bible Society; to the Committee of the *Oriental* Translation Fund Society; and to *Henry Drummond*, Esquire, M.P.

6. *Resolved*, That the Thanks of this House are due, and are hereby given to the undermentioned Gentlemen, for valuable assistance afforded to the Agent of the Legislature in his applications to Public Offices and Departments of State, on behalf of the Library: — To *George Mayer*, Esquire, Librarian and Keeper of the Records of the Colonial Office; to *Bennet Woodcroft*, Esquire, Superintendent of Patent Specifications, *London*; and to *M. Hector Bossange*, of *Paris*.

(415)

Ordered, That the Bill to enable the Municipal Council of the Town of *Cornwall* to appropriate the surplus of certain moneys raised for making a macadamized Road, be read the third time on Monday next.

The Honorable Mr. *Cartier*, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General, — Return to an Address of the Legislative Assembly of the 14th ultimo, for copies of all Contracts of the Grand Trunk Railway.

For the said Return, see Appendix (No. 13.)

Return to an Address of the Legislative Assembly of the 14th ultimo, for a Statement relative to applications of the Grand Trunk Railway Company for releases of Provincial Debentures; and for a copy of any Memorial from the Company since the 1st January, 1856.

For the said Return, see Appendix (No. 13.)

Return to an Address of the Legislative Assembly of the 28th ultimo, for copies of Correspondence with the *Montreal* Bar relative to the appointment of a successor to Judge *Vanfelson*, deceased.

By Command,

George Et. Cartier,

Secretary.

Secretary's Office,
Toronto, 2nd May, 1856.

(Translation.)

Montreal, 13th March, 1856.

Sir, — I have the honor to transmit to you a copy of the Resolutions adopted at a Meeting of the Members of the Bar in the District of *Montreal* Section, held on the 11th day of March instant.

I have the honor to be, Sir,

Your obedient Servant,

(Signed,) *F. Pominville*,

Secretary,

D.M.S.B., L.C.

The Honorable *G.E. Cartier*,
Secretary of the Province.

At a Special Meeting of the *Montreal* Section of the Bar of *Lower Canada*, which was held in the Advocates' Room in the City of *Montreal*, on Tuesday the 11th day of March, 1856, the following Resolutions were adopted: —

Resolved, That this Meeting affirms the principle that in the appointment of Judges in the Courts of Law in *Lower Canada* the division ought to be equal between the *French* and *British* Members of the Profession.

Resolved, That this Meeting desires to express its regret, that in the late appointments to the Judicial Office, the principle affirmed by the preceding Resolution has been disregarded, and a hope that the Executive will adopt it on future occasions.

That the foregoing Resolutions be published in the Newspapers, and that a Copy be sent to the Executive.

(Signed,) *Robert Mackay*,

Syndic.

(Signed,)

F. Pominville,
Secretary.

(416)

Return to an Address of the Legislative Assembly, dated 28th February, 1856, for a Statement of the different sums of money placed to the credit of the Special Fund set apart to aid the *Censitaires* in the redemption of the Seigniorial Dues, and to defray the expenses arising out of such redemption in virtue of the Seigniorial Tenures Act of 1854, and of the Amendments made thereto in 1855, and for other information.

For the said Return, see Appendix (No. 49.)

Return to an Address of the Legislative Assembly, dated 28th February, 1856, to His Excellency the Governor General, for copies of all Instructions given by the Government to the

Commissioners appointed to carry into operation the Seigniorial Tenures Act of 1854, and of any Correspondence on the subject between the Government and the said Commissioners.

For the said Return, see Appendix (No. 49.)

Return (in part) to an Address of the Legislative Assembly to His Excellency the Governor General, dated the 9th ultimo, praying His Excellency to cause to be laid before the House, a Return of all Reports from the Chief Superintendents of Schools in *Upper and Lower Canada*, and all Correspondence between those Officers or either of them, and the Government, or with any Department thereof, in regard to the Common School Grants since the year 1848.

For the said Return, see Appendix (No. 24.)

Return to an Address of the Legislative Assembly of the 14th instant [sic], for a copy of the Petition of the *Chambly* School Commissioners, relative to grants for a Superior School for Girls in that Parish.

By Command,

George Et. Cartier,

Secretary.

Secretary's Office,

Toronto, 17th April, 1856.

(Translation.)

To His Excellency Sir *Edmund Walker Head*, Baronet, Governor General of *British North America*, Captain General and Governor in Chief in and over the Provinces of *Canada*, *Nova Scotia*, *New Brunswick*, and *Prince Edward's Island*, and Vice-Admiral of the same, &c., &c.

The Petition of the undersigned School Commissioners of the School Municipality of *Chambly*,

Respectfully sheweth,

That during the Session of 1854 and 1855, the sum of Two hundred and fifty pounds currency, was voted by the Legislature of this Province in aid of an Academy for Girls in the Parish of *Chambly*.

That at the time the said sum of Two hundred and fifty pounds currency was voted, there was no Academy for Girls in existence in the said Parish (but only a House in course of construction); but there was then, as there is at present, a School for Girls under the control of the School Commissioners.

That the Commissioners in office at that period had presented a Petition to the Legislature praying for aid, and that when the above mentioned sum was voted, the said Commissioners were under the impression that it had been so voted for and as an aid to the School for Girls which was then in operation, and not to an Academy which did not exist.

That when the said Commissioners proceeded to take the necessary steps to obtain the said sum of money, they were informed that it had been drawn by two individuals who had no right whatever to do so, they being neither Commissioners nor in any way authorised to receive the same.

That the said Commissioners applied to the two individuals in question, and claimed the reimbursement of the said money, and that the latter refused to pay the same.

That the undersigned are not aware to what purpose the two persons in question have applied the money thus drawn by them from the Legislature.

(417)

Wherefore, the undersigned respectfully pray that Your Excellency will be pleased to take this their Petition into your favorable consideration, and to order that a Commission of Inquiry be appointed to compel the two individuals in question to render an account of the manner in which the said sum of money received by them has been expended, or to pay over the same into the hands of the undersigned to be by them employed for the purpose of liquidating the debts of the said School Municipality.

And they will ever pray.

(Signed,) *Léandre Robert, Julien Lamoureux, Joseph Fournier, Michel A. Lamoureux, John McCutcheon.*

Given at *Chambly* this 31st March, 1856.

The Honorable Mr. *Cartier* also laid before the House, by command of His Excellency the Governor General, — Documents from the Bureau of Agriculture, submitted in pursuance of the Act 16 *Vic.* caps. 11 and 18.

For the said Documents, see Appendix (No. 50.)

And also, Returns of Commutation of Tenure effected within the Crown Domain in the *Censives* of *Quebec*, from the 1st October to the 31st December, 1855; within the *Censives* of the late Order of Jesuits, in the Dist[ri]cts of *Quebec* and *Three Rivers*, from the 1st of September, 1854, to the 31st December, 1855; and within the *Censives* of the Seignior of *Lauzon*, from the 1st of September, 1854, to the 31st of December, 1855, and from January to July, 1854, — omitted in the last Return on account of the death of the Agent, who during his illness did not furnish his Monthly Returns, which have since been made up by this Department.

No Commutations of Tenure were effected within the *Censives* of the late Order of Jesuits, in the Districts of *Montreal* and *Three Rivers*, under the [Act] 10 & 11 *Vic.* cap. 111, from the 1st September, 1854, to the 31st December, 1855.

For the said Return, see Appendix (No. 15.)

[On motion of] MR. BROWN³,

(417)

Resolved, That a Message be sent to the Honorable the Legislative Council, to request their Honors will give leave to the Honorable *Adam Fergusson*, a Member of their House, to attend before the Special Committee appointed to inquire and report as to the truth of certain charges preferred against Mr. *George Brown*, a Member of this House, to be examined before the said Committee.

Ordered, That Mr. *Brown* do carry the said Message to the Legislative Council.

Ordered, That the Honorable Mr. *Young* have leave of absence for the remainder of the Session.

Ordered, That the Bill to amend the several Acts incorporating *La Banque du Peuple*, of *Montreal*, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

On motion of MR. A. DORION,⁴

(417)

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Bureau* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time on Monday next.

Ordered, That the Honorable Mr. *Merritt* have leave to bring in a Bill to amend the 36th Section of the Act 16 *Vic.* cap. 11.

(418)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.⁵

Ordered, That the Bill to incorporate the *Victoria Mining Company*, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

On motion of MR. BROWN,⁶

(418)

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Larwill* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time on Monday next.

Ordered, That Mr. Solicitor General *Smith* have leave to bring in a Bill to cancel so much of the Letters Patent setting apart certain Lands for the endowment of a Rectory in the Township of *Warwick*, as regards Lot number twenty-five in the first Concession south of the *Egremont* Road, in the said Township.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

On motion of the Honorable Mr. Attorney General *Drummond*, seconded by Mr. Solicitor General *Smith*,

Ordered, That the Orders of the day be now read.

On motion of MR. S. SMITH,⁷

(418) A Bill to vest a certain allowance for Road in the Township of *Hamilton*, County of *Northumberland*, in *John Wade* and *Benjamin Seymour*, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. *Sidney Smith* do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of MR. S. SMITH,⁸

(418) A Bill to vest in *Samuel Doolittle* and *Robert Johnston* a certain allowance for Road in the Township of *Haldimand*, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to vest in *Samuel Doolittle* and *Robert Johns[on]*, a certain allowance for Road in the Township of *Haldimand*."

Ordered, That Mr. *Sidney Smith* do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to amend the Act 18 Vic. cap. 2, being read;

The Honorable Mr. Attorney General *Macdonald* moved, seconded by Mr. Solicitor General *Smith*, and the Question being put, That the Bill be now read the third time; the House divided: and the names being called for, they were taken down, as follow: —

(418-419)

YEAS.

Messieurs *Aikins*, *Bell*, *Biggar*, *Bourassa*, *Bowes*, *Brodeur*, *Brown*, *Bureau*, *Cartier*, *Casault*, *Cayley*, *Chabot*, *Chapais*, *Chisholm*, *Christie*, *Conger*, *Crawford*, *Crysler*, *Daly*, *Charles Daoust*, *Jean B. Daoust*, *Darche*, *Desaulniers*, *Dionne*, *Antoine A. Dorion*, *Dostaler*, Attorney General *Drummond*, *Dufresne*, *Evanturel*, *Ferres*, *Ferrie*, *Thomas Fortier*, *Fournier*, *Frazer*, *Galt*, *Gill*, *Hartman*, *Jackson*, *Jobin*, *Labelle*, *Lemieux*, *Lumsden*, *John S. Macdonald*, *McCann*, *Matheson*, *Meagher*, *Angus Morrison*, *Munro*, *O'Farrell*, *Papin*, *Patrick*, *Poulin*, *Pouliot*, *Prévost*, *Rankin*, *Rhodes*, *Rolph*, Solicitor General *Ross*, *James Ross*, *Shaw*, Solicitor General *Smith*, *Sidney Smith*, *Spence*, *Stevenson*, *Supple*, *Thibaudeau*, and *Wright*. — (67.)

(419)

NAYS.

Messieurs *Delong*, *Mackenzie*, *Merritt*, *Powell*, and *Robinson*. — (5.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to amend the Provincial Act appropriating the moneys arising from the Clergy Reserves."

Ordered, That the Honorable Mr. Attorney General *Macdonald* do carry the Bill to the Legislative Council, and desire their concurrence.

MR. AT. GEN. J.A. MACDONALD moved the third reading of the Bill to amend [certain] Laws relating to Courts of Queen's Bench and Common Pleas in Upper Canada.⁹

MR. MACKENZIE said, he had looked into this long bill, and there were many things which he did not understand, and some which he did not like.¹⁰

MR. AT. GEN. J.A. MACDONALD said, in reply, that the hon. member for Haldimand rebuked him, the other day, for finding fault with some points in the proposed decimal currency measure. On that occasion, the hon. gentleman told him he ought to leave such matters to commercial men. Now he (Mr. Macdonald) thought that the present occasion gave him a fair opportunity for retort. It was not to be expected that the hon. member for Haldimand would understand such matters. He ought to leave that to legal gentlemen. The hon. gentleman then entered into a brief explanation of his bill.¹¹

MR. SOL. GEN. H. SMITH also explained the provisions of the bill. He believed it would be the greatest law reform bill passed for many years. By it, the science of pleading would be so simplified, that almost every man might become his own lawyer.¹²

MR. S. SMITH could not agree with the clause respecting arbitrations, and the clause reducing the fees of the legal profession. He thought the higher the fees were kept, the better for all parties.¹³

MR. AT. GEN. DRUMMOND was much pleased to see the introduction of this law. It was another step towards assimilating the institutions of Upper and Lower Canada, and thus cementing the union between the two Provinces.¹⁴

The bill was then read a third time¹⁵.

(419)

A Bill to amend, repeal, and consolidate the provisions of certain Acts therein mentioned, and to simplify and expedite the proceedings in the Courts of Queen's Bench and Common Pleas in *Upper Canada*, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Attorney General *Macdonald* do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to amend the Common School Laws and further to promote Elementary Education in *Lower Canada*, being read;

The Honorable Mr. *Cartier* moved, seconded by the Honorable Mr. *Lemieux*, and the Question being proposed, That the Bill be now read the third time;

MR. C. DAOUST (Beauharnois), moved in amendment, —

"That the said Bill be not now read a third time, but that the house shall forthwith resolve itself into a Committee of the Whole to consider the propriety of addressing his Excellency the Governor General, asking him to recommend that the Common School grant for Lower Canada be raised to the sum of £100,000."¹⁶

[The hon. member said] the doubling of the government grants was naturally authorising the people to double their own local taxation.¹⁷

MR. AT. GEN. DRUMMOND objected to the amendment, on the ground that, asking a money grant, it ought to come from the administration.¹⁸

MR. SICOTTE the SPEAKER ruled the motion was in order.¹⁹

MR. BROWN opposed the principle of the amendment.²⁰ [He] thought the proposed mode of proceeding would be a serious evil, thus forcing on the administration a vote of £100,000 contrary to the principles of Responsible Government. It would deprive the Inspector General of all notice to provide for such an appropriation.²¹ It may be the American system was the better, which allowed the members

of each House to originate money votes, and made each branch of parliament responsible for its separate determination on these matters. But he was not yet prepared to adopt it, and he believed the course proposed could not be adopted consistently with our present form of government.²² The Executive alone were responsible for any money grants, and, as such, the motion ought to originate with them.²³

MR. AT. GEN. DRUMMOND quoted from May, to shew that the motion was out of order upon another ground, as no address could be moved respecting any bill before either House of Parliament. It was a matter of practice, and a standing order of the House of Commons, that all money grants must be initiated by government. But, here we had even more than that, we had the law — the distinct terms of the Union act containing a similar provision.²⁴

MR. MERRITT thought everything tended to shew the absurdity of the present system of Government. It had been alleged that under the old system in Upper Canada,²⁵ we got into debt a million and a-half²⁶, because every body could propose money grants, and a system of log rolling grew up, every one voting for every one's grant on the principle of reciprocity. That was not the case, however. Sectional grants were opposed by all the rest of the House, and so lost. But now the friends of the ministry of the day could get whatever they liked out of the government, and they controlled the House.²⁷ It had already involved the Province very deeply in debt.²⁸

MR. C. DAOUST would persist in his motion, if the Speaker did not declare it positively out of order.²⁹

MR. SICOTTE the SPEAKER said that no doubt any amendment on the third reading of the bill was very irregular; and it ought to be brought as a distinct motion before the house.³⁰ But he was not prepared to rule it out of order. This motion was not affected by the rule cited by [the] Attorney General from May. It did not relate to the subject ... matter of the bill, but something [that] was up, subsidiary to, or beside it.³¹

MR. C. DAOUST. — It was perhaps too late in the session to do so, but he would withdraw it and bring it on afterwards. As to the funds for meeting the increased grant he thought the advance in the tariff would make ample provision.³²

MR. J. SMITH (Victoria) hoped this motion would not be put. It would form a very dangerous precedent. How could Ministers regulate the finances of the country, if the control of the initiation of such measures was taken out of their hands.³³

MR. MACKENZIE. — The honourable member for Victoria was repudiating the principles his father had upheld in this house. He contended we had the power claimed and we should be careful how we parted with it. The honourable member then went into the distribution [sic] of the monies appropriated for common education. He detested the Bill brought in by the Provincial Secretary, and³⁴ heartily supported the amendment, much as he disliked the way the public money was voted for Lower Canada. He was ashamed that any hon. gentleman in that House should introduce such a measure as that now before the House.³⁵

MR. AT. GEN. J.A. MACDONALD. — The honourable gentleman need not trouble himself to vote against the Bill.³⁶ The effect of the motion, if passed, would be to throw out the bill for this session, and leave the common school law, with all its imperfections, unamended. Hon. members might decide whether they would adopt that course or not. It was intended no doubt, to throw out the bill, and overthrow the Ministry.³⁷

MR. MACKENZIE would be glad if it did.³⁸

[MR. AT. GEN. J.A. MACDONALD continued:] He was not surprised, therefore, that the hon. member for Haldimand so heartily supported the amendment.³⁹ [He] thought the house would hesitate before they threw ... [the bill] out.⁴⁰ With the greatest deference and respect to Mr. Speaker's ruling, he could not but feel that it was unjust. Such a motion by a private member was an infringement of the spirit, if not the very letter, of the Union Act, that prohibited the origination of any money vote by others than the Government. This motion would originate such a vote most effectually. The vote of this House of such an address was in effect an order. It would not only fetter the present Ministry, but must in like manner fetter their successors — [t]he hon. member for Beauharnois, if called on to form a Government. The House, it seemed clearly to him, would violate the rule.⁴¹ The Bill had received the strong support of the majority of the Lower Canadian members and he did not think they would now damage it by going for the address proposed.⁴²

MR. GALT concurred in the views of his hon. friend from Lambton, and the Atty. General. Ministers were responsible for the finances of the country now; but it would be impossible for them to be held responsible for them if private members could originate votes of this sort. How could they make provision for the demands upon the treasury, if they had not the control, if any member might create demands like this?⁴³ He regretted this point had arisen on this particular question, as all must be desirous of assisting in promoting the education of the country.⁴⁴

MR. FERRES read the clause in the Union Act, which related to the voting of money, which said that none could be voted except after receiving a message from the Governor.⁴⁵ It seemed to him, words could not more distinctly prohibit any motion of this kind emanating from a private member.⁴⁶

MR. A. DORION quoted precedents in favour of the views enunciated on his side of the house. These precedents were taken from the doings in the House of Commons.⁴⁷ In 1811, for instance, an address for the payment of money was passed ... [by] the prince regent, contrary to the opinions of the government of the day, and later, several votes of that sort were passed respecting the Danish claims.⁴⁸ There were many other such [precedents], and in defiance of the opposition of the Government, such Addresses had been passed. Our own Legislature furnished some [examples] also. Honourable members should not be carried away by the idea that we were adding £50,000⁴⁹. The increase proposed was really only £25,000; for in addition to [the] regular £50,000-grant, £25,000 were voted last year, making the grant, £75,000. They could well afford to give that amount, seeing the increased taxes the Government were being authorised to lay upon the people.⁵⁰ Mr. Dorion then repeated some of the arguments he had on former occasions advanced against the large grants for Superior Education in Lower Canada. He believed the mode proposed was perfectly regular.⁵¹

MR. BROWN said this motion might possibly be made, but it was distinctly a vote of want of confidence of a very awkward kind. He should know what to do with it if this ministry were like any other; if they were so and the vote was carried, they would resign; but these men would not do so. He doubted the propriety of an increase of the grant to the amount proposed. Under the circumstances they passed a bill the other night, giving away a large sum of money out of the present small fund; because the people could not use it for Common Schools, so they gave it to educate 15,000 of the wealthy classes. An additional sum might very well be raised in Upper Canada. But whenever the grant was enlarged, the system under which it was spent must be reconsidered and amended.⁵²

The house divided on the amendment⁵³.

(419)

Mr. *Charles Daoust* moved in amendment to the Question, seconded by Mr. *Darche*, That all the words after "That" to the end of the Question be left out, and the words "in the opinion of this House, the present appropriation for the support of Common Schools is insufficient; and that this House will immediately resolve itself into a Committee to take into consideration the expediency of presenting an Address to His Excellency the Governor General, praying him to

recommend that the annual appropriation for the support of Common Schools be increased to the sum of One hundred thousand pounds" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they are taken down, as follow: —

YEAS.

Messieurs *Bourassa, Bureau, Christie, Charles Daoust, Jean B. Daoust, Darche, Antoine A. Dorion, Ferrie, Frazer, Galt, Guévremont, Hartman, Huot, Jobin, Labelle, Laberge, Mackenzie, Marchildon, O'Farrell, Papin, Prévost, Rolph, Sanborn, Turcotte, Valois, and Young.* — (26.)

(420)

NAYS.

Messieurs *Bell, Biggar, Bowes, Brodeur, Brown, Burton, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Conger, Crauford, Crysler, Daly, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Fergusson, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Jackson, Laporte, Larwill, LeBoutillier, Lemieux, Macbeth, Attorney General Macdonald, McCann, Matheson, Merritt, Joseph C. Morrison, Angus Morrison, Munro, Murney, Niles, Patrick, Polette, Poulin, Pouliot, Powell, Price, Robinson, Solicitor General Ross, Scatcherd, Shaw, Solicitor General Smith, James Smith, Southwick, Spence, Stevenson, Supple, Taché, Thibaudeau, Wright, and Yeilding.* — (65.)

So it passed in the Negative.

Six o'clock having struck, the House adjourned.⁵⁴

[After the recess,]

MR. SANBORN moved the following amendment, "That the said Bill be not now read a third time, but be referred to a Select Committee with instructions to amend the same in such a manner as to empower School Commissioners to divide the school monies, as well those received from Government as those raised by assessment, equally among the districts in their municipality, if they shall deem it expedient, instead of distributing such monies in such districts according to population, to empower the local councils to collect school assessments at each termination of the scholastic year on the 1st of April, instead of July in each year, to specify the time and manner of levying taxes for building school houses, to subject all teachers, as well members of religious communities as others, to the same examination."⁵⁵

A brief debate arose on this amendment as to whether it should be put to the House as a whole, or clause by clause.⁵⁶

MR. A. DORION of Montreal hoped the hon. member would divide his motion.⁵⁷

MR. AT. GEN. DRUMMOND objected to any subdivision.⁵⁸

MR. PROV. SEC. CARTIER [also] objected.⁵⁹

MR. BROWN maintained that a motion for subdivision, of an ame[n]dment was in order, and according to the practice of that House.⁶⁰

MR. SICOTTE the SPEAKER ruled that the motion could not be divided without the consent of the House.⁶¹

MR. SANBORN thought it ill became honourable members of the Government to seek to stifle the expression of opinion of the house as to the reception of his amendment. (Hear, hear.)⁶² [He] did not care about the division of the motion. He was prepared to vote if alone for the resolution, as it stood. Others asked it, however, and the same courtesy had been extended a previous occasion to the member for Huntingdon when moving amendments to the same bill. Some he knew, objected to the

last clause; but while he was willing to give equal rights to all religious denominations,⁶³ the honourable Provincial Secretary proposed, by favouritism, to give to one ecclesiastical body, in preference to another; that is, that members of a religious community need not be examined, while others should be. Now the only sound ground to take was to let all submit to the same examination, let them all be placed upon an equal footing. He had urged those amendments in previous sessions, but for some cause or other, probably of delicacy on the part of this and former Governments, they were set aside. He explained, in a few words, the nature of his amendments.⁶⁴ The people in some districts were sparsely settled, and the Municipalities should have the right to distribute the grant, so as to support a school among those people. Though their population might not be sufficiently large to entitle them to get it on that basis. Again, it would simplify business if the taxes were collected for the schools and for the municipalities through the same agency.⁶⁵

MR. FELTON opposed the resolutions. He thought the discretionary power proposed ought now [sic] to be granted to the Commissioners.⁶⁶ It would be most unfair and unjust to distribute school monies equally among the school districts, without regard to population.⁶⁷ It would have a bad effect to have the school tax and municipal taxes collected by the same parties. — There are often objections made to the latter tax, and the difficulty in collecting it, and none to the former.⁶⁸ In regard to the last resolution,⁶⁹ there was no necessity for the examination of ecclesiastics specially trained for teachers.⁷⁰ What would be thought of an amendment which would insist on subjecting the graduate of an English University or a University in this country to examination, before admitting him as a teacher of a common school?⁷¹

MR. HARTMAN. — That is the case now in Upper Canada, under the law. (Hear, hear.) In regard to the resolutions he would not apply the principle in every case of dividing the school monies equally, and not according to population. But this was left optional, and he had no objections to the option being given to the municipalities.⁷² The resolutions, as a whole, were so good that he would vote for them.⁷³

Mr. Sanborn's resolutions were then put⁷⁴.

(420)

And the Question being again proposed, That the Bill be now read the third time;

Mr. *Sanborn* moved in amendment to the Question, seconded by Mr. *Galt*, That all the words after "be" to the end of the Question be left out, and the words "referred to a Select Committee, with Instructions to amend the same in such manner as to empower School Commissioners to divide the School monies as well as those received from Government, as those raised by Assessment, equally among the Districts in their Municipality, if they shall deem it expedient, instead of distributing such monies in such Districts according to population; to empower Local Councils to collect School Assessments; to fix the termination of the Scholastic year on the first of April instead of July in each year; to specify the time and manner of levying taxes for the building of School Houses; and to subject all Teachers, as well Members of Religious Communities as others, to the same examination" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Biggar, Conger, Darche, Delong, Ferrie, Foley, Galt, Hartman, Jackson, Jobin, Marchildon, Matheson, Merritt, Munro, Niles, Papin, Patrick, Rolph, Sanborn, Scatcherd, Southwick, Supple, Wright, and Young.* — (26.)

(420-421)

NAYS.

Messieurs *Bourassa, Brodeur, Bureau, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Daly, Charles Daoust, Jean B. Daoust, Desaulniers, Dionne, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Gutvremont, Huot, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux,*

Loranger, Lumsden, Attorney General Macdonald, McCann, Meagher, Joseph C. Morrison, Angus Morrison, Murney, O'Farrell, Polette, Poulin, Pouliot, Powell, Price, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, James Smith, Spence, Stevenson, Taché, Thibaudeau, Turcotte, Valois, and Yeilding. — (62.)

(421)

So it passed in the Negative.

And the Question being again proposed, That the Bill be now read the third time;

Mr. *Bureau* moved in amendment to the Question, seconded by Mr. *Bourassa*, That all the words after "be" to the end of the Question be left out, and the words "recommitted to a Committee of the whole House, with Instructions to amend it, by providing that the part of the Common School Fund which shall not be appropriated at the expiration of each year, be added to the Common School Fund for the then next ensuing year, and distributed amongst all the School Municipalities which shall have conformed to the provisions of this Act, without forcing the inhabitant tax-payers of the School Municipalities to pay any additional and direct tax in order to receive their share of the said Fund which may not be appropriated for Common Schools" inserted instead thereof;

MR. DORION. — The object of this amendment was, that the unclaimed balances should not be devoted to superior education, but left in the common school fund, which was not by any means too large.⁷⁵

MR. HARTMAN. — All we have in Upper Canada is raised by taxation. As he understood the matter, this was a choice of two evils, and he would go for the amendment.⁷⁶

The House divided on the amendment.⁷⁷

(421)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Biggar, Bourassa, Brown, Bureau, Charles Daoust, Darche, Delong, Desaulniers, Antoine A. Dorion, Ferrie, Foley, Frazer, Galt, Guévremont, Hartman, Huot, Jackson, Jobin, Laberge, Mackenzie, Marchildon, Merritt, Papin, Powell, Rolph, Sanborn, Scatcherd, Southwick, Thibaudeau, Valois, Wright, and Young.* — (33.)

NAYS.

Messieurs *Bell, Bowes, Brodeur, Burton, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Conger, Daly, Jean B. Daoust, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, McCann, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, Munro, O'Farrell, Patrick, Poulin, Pouliot, Price, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, James Smith, Spence, Stevenson, Taché, and Yeilding.* — (57.)

So it passed in the Negative.

And the Question being again proposed, That the Bill be now read the third time;

(422)

Mr. *Jobin* moved in amendment to the Question, seconded by Mr. *Darche*, That all the words after "be" to the end of the Question be left out, and the words "recommitted to a Committee of the whole House, with Instructions to add thereto the following paragraph: 'That the present office of School Inspector be abolished, and that it shall be lawful for the School Commissioners of each Municipality to choose and elect each year some person residing in the School District to visit the Schools in such School Municipality, and to make an annual Report to the Superintendent, and the said person so elected shall serve without any remuneration'" inserted instead thereof;

MR. FERRES would support the former point of the motion, to abolish the office of Inspector as he thought it useless — but not the latter part giving the Commissioners the right to appoint them. He would wish to divide the motion, so as to enable him to vote in that way.⁷⁸

MR. TURCOTTE. — If education in Lower Canada has progressed at all, it is due to the supervision exercised over the people by the inspectors of schools.⁷⁹

MR. MARCHILDON said something, which, owing to the noise, could not be made out.⁸⁰

The amendment was lost⁸¹.

(422)

And the Question being put on the Amendment; the House divided: — And it passed in the Negative.

And the Question being again proposed, That the Bill be now read the third time;

Mr. *Jobin* moved in amendment to the Question, seconded by Mr. *Darche*, That all the words after "be" to the end of the Question be left out, and the words "recommitted to a Committee of the whole House, with Instructions to add thereto the following paragraph: 'That those School Districts which may have built School-Houses, and which have received no aid for the erection of such Buildings from the Government in the shape of grants for that purpose, be re-imbursed one half the cost of such erections'" inserted instead thereof;

And the Question being put on the Amendment; the House divided: — And it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. *Cartier* do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the Bill to amend the Acts relating to the Duties of Customs, being read;

The Honorable Mr. *Cayley* moved, seconded by the Honorable Mr. Attorney General *Macdonald*, and the Question being proposed, That the Bill be now read a second time;

MR. BROWN. — Should we allow the Inspector General to draw upon the pockets of the country to the amount of some hundreds of thousands of pounds? He hoped the house would yet pause before they sanctioned his tariff, and would insist, before they agreed to his propositions, that the estimates should be before the house.⁸² He had been informed that the Estimates were printed and were to be brought down this evening; it was also said that the Government intended coming down with a scheme for the Grand Trunk Railway. It was most unreasonable that the House should be called upon now to adopt this increase of the tariff.⁸³ Even if so large a sum were required, there might be other and preferable ways of raising it to this increased taxation. If the tax were needed, it might be levied in a fairer and more advantageous manner.⁸⁴ He moved that the Bill be not now read a second time, but be read a second time this day three months.⁸⁵

MR. GALT concurred in all that had fallen from the member for Lampton [sic]. The House must be satisfied that no sufficient cause had been made out for raising this sum of money. He supposed that in a few days the Inspector General would lay his estimates and his railway schemes before the House. They would then be able to judge of the propriety of this increase of taxation. He would move, therefore, in amendment that the second reading should be postponed till the estimates were brought down.⁸⁶

MR. MACKENZIE. — The member for Quebec had based his support of the Government upon the understanding that provision would be made for the Northern Railroad; and if the estimates were to include a large sum on this account, we should know it before we passed the Tariff. The Customs had yielded already a large increase on the last quarter, and, therefore, there appeared no need for the proposed increase of the duties. Did the Government intend to vote £300,000 for Parliament buildings at Quebec? If so, was it fair to withhold this information?⁸⁷

The 1st amendment was then put⁸⁸.

(422)

Mr. *Brown* moved in amendment to the Question, seconded by Mr. *Antoine Aimé Dorion*, That the words [sic] "now" be left out, and the words "this day three months" added at the end thereof;

And the Question being put on the Amendment; the House divided: — And it passed in the Negative.

And the Question being again proposed, That the Bill be now read a second time;

Mr. *Galt* moved in amendment to the Question, seconded by Mr. *Hartman*, That all the words after "That" to the end of the Question be left out, and the words "the second reading of the Bill be postponed until the Estimates shall have been laid before this House" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Biggar, Bourassa, Brown, Bureau, Casault, Christie, Conger, Charles Daoust, Darche, Delong, Antoine A. Dorion, Evanturel, Ferrie, Frazer, Galt, Hartman, Jackson, Jobin, Laberge, Lumsden, Mackenzie, Marchildon, Matheson, Merritt, Munro, O'Farrell, Papin, Patrick, Prévost, Rankin, Rolph, Sanborn, Scatcherd, Turcotte, Valois, Wright, and Young.* — (38.)

(423)

NAYS.

Messieurs *Bowes, Brodeur, Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Cryslar, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Attorney General Macdonald, McCann, Meagher, Joseph C. Morrison, Angus Morrison, Polette, Poulin, Pouliot, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, James Smith, Spence, Stevenson, Taché, Thibaudeau, and Yeilding.* — (51.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill be now read a second time.

The Bill was accordingly read a second time; and ordered to be read the third time on Tuesday next.

The Order of the day for the second reading of the Bill to impose an additional Excise Duty on Whiskey, being read;

[On motion of] MR. INSP. GEN. CAYLEY⁸⁹,

(423)

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Sidney Smith* reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be received on Tuesday next.

The Order of the day for the second reading of the Bill to make further provision for the Geological Survey of this Province, being read;

[On motion of] MR. AT. GEN. J.A. MACDONALD⁹⁰,

(423)

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee;

MR. MACKENZIE enquired how the money voted by this Bill was to be appropriated. Sir William Logan had now £500 per annum, and although he was opposed to squandering money, he thought that was not sufficient. He wished to know whether it was the intention of the Government to increase the gentleman's salary.⁹¹

MR. AT. GEN. J.A. MACDONALD said the Government fully appreciated the views of Sir William Logan and would not fail to take the suggestion just made into their favorable consideration.⁹²

MR. RANKIN suggested that it was unnecessary that the surveyors employed under the act should have a geological education.⁹³

MR. AT. GEN. J.A. MACDONALD said the advantages of the course he proposed was [sic], that being acquainted with the science of geology, the surveyor could, while making out his report relative to the extent and boundaries of territory, also give important information as to its geological structure and capabilities.⁹⁴

The Committee passed the Bill with one amendment.⁹⁵

- (423) | and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Thomas Fortier* reported, That the Committee had gone through the Bill, and made an amendment thereunto.
 | *Ordered*, That the Report be now received.
 | Mr. *Thomas Fortier* reported the Bill accordingly; and the amendment was read, and agreed to.

[On motion of] MR. AT. GEN. J.A. MACDONALD⁹⁶,

- (423) | *Ordered*, That the Bill be now read the third time, and the Rules of this House suspended as regards the same.
 | The Bill was accordingly read the third time.
 | *Resolved*, That the Bill do pass.
 | *Ordered*, That the Honorable Mr. Attorney General *Macdonald* do carry the Bill to the Legislative Council, and desire their concurrence.

MR. PROV. SEC. CARTIER moved that the Report of Committee of the Whole on the Bill to provide for superior education and Normal Schools in Lower Canada, be now received.⁹⁷

- (423) | Mr. *Felton* reported the Bill to make better provision for promotion of Superior Education and the establishment and support of Normal Schools in Lower *Canada*, and for other purposes.

MR. A. DORION moved that the report be recommitted, to provide that the sums to be appropriated by this Bill for the purpose of a superior education both in Upper and Lower Canada, be distributed in the same manner in both sections of the Province.⁹⁸

MR. PROV. SEC. CARTIER said that the hon. member for Lambton had described this Bill as intended to place the educational funds of the country in the hands of the Roman Catholic priests. To show how devoid of weight that view was, he would read this letter, which he had received from a Protestant Professor in Montreal: — "I quite approve of the principles of your measure, especially of basing the grant to the higher institutions on the returns sent to the Education Office, with a proper allowance on the part of the Government for the quality and extent of education as well as the number who receive it. This new system should do much good. In an attempt so new, the details may very properly admit of amendment on trial, but my limited knowledge of the Institutions of this Province does not permit me to judge of them." (Great laughter.) "But the citizens of Montreal are good judges.

Attempts have been made here to obtain signatures to Petitions against these measures — (hear, hear) — but I believe you may rest assured that the good wishes and influence of our University, are with the Government in this matter. Signed G.W. Dawson, President of McGill College.”⁹⁹

MR. BROWN could not help smiling at the Provincial Secretary bringing forward this letter, as he did no doubt with a view to demolish the Opposition. What a ridiculous thing it was for the honourable gentleman to come forward and show what Professor Dawson may think about this subject as a guide for the action of the house upon it.¹⁰⁰ [That] gentleman [was], no doubt, a very excellent man, but ... [he] had only been in the Province from four to six months¹⁰¹. What was the position of Professor Dawson? Why he was at the head of the College which was at the p[re]sent time asking for an appropriation of a large sum of money by the Government, (hear! hear!) He (Mr. Brown) did not mean to say whether or not the demand was just, but it was very easy to see why Professor Dawson should send honied words to the Provincial Secretary, (hear! hear!) With regard to the Professor's statements upon this subject, they were all able to judge of it as well as that gentlemen [sic]. He (Mr. Brown) would like to [sic] know after this bill was passed what the “Protestant Professor,” as the Hon. Provincial Secretary called him, would have to say about it. It was true that he or any Roman Catholic Professor might come before Parliament every year, and demand his share of appropriation, and get hon. members to stand up and substantiate it; but in this case the Provincial Secretary wished that this money should be handed over to Mr. Chauveau, who should from his private bureau dispense it away as he pleased. But let the honourable gentleman wait until Mr. Chauveau decided exactly the amount which this Professor is to get and the Professor would talk differently. We ought to have National institutions under the direction of the Board of Public Instruction. They should have endowments, and none others. The misfortune of the system proposed by the honourable Provincial Secretary was, that there was no principle whatever in it. It was a mere makeshift, his whole object being to get rid of those sums which the house annually voted through its estimates, and to hand them over to Mr. Chauveau. The motion of the honourable member for Montreal (Mr. Dorion), must commend itself to the good sense of the house. Would honourable members for Upper Canada submit for one moment to let Dr. Ryerson, notwithstanding his high qualifications for office, take £22,000 of the public money and deal it out as he might think fit towards education in Upper Canada. — He did hope that the house would decide that such a system which the Government do not dare to propose for Upper Canada, should not be permitted to be adopted for Lower Canada.¹⁰² They were as able to judge of the tendencies of the bill as Mr. Dawson or any other person, and he did hope that a bill setting aside £22,000 for the education of 15,000 pupils, or more correctly, 10,000, while £24,000 were only appropriated for the education of 300,000 would not receive the sanction of the House.¹⁰³

MR. PROV. SEC. CARTIER repeated that the opinion of Mr. Dawson, as a Protestant, knowing that Mr. Chauveau was a Roman Catholic, was of great importance. The Roman Catholics in Lower Canada had liberality, and there was never any trouble there about religion. They did not treat the minority in Lower Canada with the illiberality, with which the member for Lambton desired to treat the Roman Catholic minority in Upper Canada. He was glad, in this letter of Mr. Dawson's, to have a proof that the Protestants and Roman Catholics of Lower Canada were not animated by the same spirit of fanaticism as the member for Lambton.¹⁰⁴

MR. COM. CR. LANDS CAUCHON spoke at some length of the illiberality of the hon. member for Lambton, and the opposition which he offered to all such measures — an opposition, which the hon. Commissioner attributed to fanaticism, a qualification which more than any other tended to give some hon. gentlemen prominence.¹⁰⁵ Laval University had refused to receive any Government aid though £200 were voted last year. They did not want to be insulted by the member for Lambton.¹⁰⁶ In Lower Canada there was not the same fanaticism as in Upper Canada, and they were consequently in a much better social condition.¹⁰⁷ He referred to the fact of the hon. member for Montreal (Mr. Dorion,) being

obliged to vote contrary to his opinions, in consequence of associating with the hon. members who formed the Opposition.¹⁰⁸

MR. GALT replied. — He said he felt confident that the hon. member for Montreal had pursued a course which had gained him the esteem of the entire country. He stood before this House as the exponent of the mest [sic] liberal and enlightened views of the principles of political government. That hon. gentleman had no reason to fear the sneers of the Commissioner of Crown Lands.¹⁰⁹ Nothing could more create a feeling of rancour among the people of Upper Canada towards those of Lower Canada than such remarks as had just fallen from the Commissioner of Crown Lands, and his whole course from the beginning of the session. (Hear, hear.)¹¹⁰ He (Mr. Galt) regretted that the discussion should have taken a religious turn, because it had a tendency to lead the House from the great principle which has [sic] affirmed in the amendment that the same course should be taken towards Lower Canada that has been taken towards Upper Canada, when any money is appropriated for purposes of Education. If it be necessary to come to this House annually and ask a vote for money for Education in Upper [Canada,] it was surely equally necessary that the same course should be pursued in respect to a vote for Lower Canada. He could not see the slightest reason for the difference which the Bill proposed.¹¹¹ He agreed, however, that in Lower Canada there was happily a great freedom from anything in the shape of religious animosities.¹¹²

MR. FELTON also bore his testimony to the liberality in religious matters of the people of Lower Canada. He believed that the old Lower Canada House of Assembly had displayed more liberality of sentiment than was exhibited by some Protestant members of this house. The secular newspapers never mixed up religion with politics, although unfortunately they had religious newspapers which squabbled about religion, as such papers did all over the world.¹¹³

MR. SICOTTE the SPEAKER called the honorable gentleman to order. He was carrying away the discussion quite away from the question before the House.¹¹⁴

The vote was then taken on Mr. Dorion's amendment¹¹⁵.

(424)

Mr. *Antoine Aimé Dorion* moved, seconded by Mr. *Galt*, and the Question being put, That the Bill be re-committed to a Committee of the whole House, in order to provide that the sums appropriated by this Bill for the purpose of Superior Education both in *Upper* and *Lower Canada*, be distributed in the same manner in both Sections of the Province; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bourassa, Brown, Bureau, Christie, Charles Daoust, Darche, Antoine A. Dorion, Fergusson, Ferrie, Foley, Frazer, Galt, Hartman, Huot, Jackson, Jobin, Mackenzie, Marchildon, Matheson, Munro, Murney, Papin, Patrick, Rolph, Sanborn, Scatcherd, Supple, Valois, Wright, and Young*. — (31.)

NAYS.

Messieurs *Bowes, Brodeur, Burton, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Clarke, Conger, Crysler, Jean B. Daoust, Delong, DeWitt, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Gutvremont, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Attorney General Macdonald, McCann, Meagher, Joseph C. Morrison, Angus Morrison, O'Farrell, Poulin, Pouliot, Price, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Taché, Thibaudeau, and Turcotte*. — (51.)

So it passed in the Negative.

Mr. *Antoine Aimé Dorion* moved, seconded by Mr. *Papin*, and the Question being put, That the Bill be re-committed to a Committee of the whole House, with Instruction to provide that the distribution of the Fund of Twenty-two thousand pounds created by the Bill for the purposes

of Superior Education in *Lower Canada*, be not left to the discretion of the Superintendent of Education subject to the approval of the Governor in Council, but that the same be distributed by an annual vote of the Legislature; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Aikins, Bell, Bourassa, Brown, Bureau, Christie, Church, Conger, Charles Daoust, Darche, Antoine A. Dorion, Fergusson, Ferrie, Foley, Frazer, Galt, Hartman, Huot, Jackson, Jobin, Laberge, Mackenzie, Marchildon, Matheson, Munro, Murney, O'Farrell, Papin, Patrick, Rankin, Rolph, Sanborn, Scatcherd, Turcotte, Valois, Wright, and Young. — (37.)

(424-425)

NAYS.

Messieurs Bowes, Brodeur, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Clarke, Cryslar, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Attorney General Macdonald, McCann, Meagher, Joseph C. Morrison, Angus Morrison, Poulin, Pouliot, Price, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Supple, Taché, Thibaudeau, and Yeilding. — (51.)

(425)

So it passed in the Negative.¹¹⁶

Ordered, That the Bill be read the third time on Tuesday next.

The Honorable Mr. *Cartier*, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth: —

Edmund Head,

The Governor General transmits to the Legislative Assembly a Statement of the probable Revenue and Expenditure of the Province during the year ending 31st December, 1856, together with Estimates of the Sums required for the Service of the same year; and in conformity with the provisions of the 57th Section of the Union Act, he recommends these Estimates to the Legislative Assembly.

Government House,

Toronto, 2nd May, 1856.

For the Statements and Estimates accompanying the said Message, see Appendix (No. 30.)

[On motion of] MR. INSP. GEN. CAYLEY¹¹⁷,

(425)

Ordered, That the said Message and the accompanying Estimates be referred to the Committee of Supply.

The Order of the day for the second reading of the Bill to amend the Seigniorial Act of 1854, and the Seigniorial Amendment Act of 1855, being read;

MR. AT. GEN. DRUMMOND moved that the Bill ... be read a second time. He said he had already fully explained the Bill, and would not detain the House.¹¹⁸

DR. POULIN said if it could be proven that of late years the Seign[i]ors had received more than ... they should have done from *lods et ventes*, this bill would increase the amount. He knew of seigniories, which a few years ago yielded £300 annually, the present revenue of which from *lods et ventes* had risen to £1000, and yet this bill would increase that amount. He was of opinion that the *expects* should be dispensed with. The hon. member spoke at some length against the bill, showing that there were several of the clauses very contradictory. The evident *animus* of the bill was to favor one class of society at the expense of another, and he would therefore vote against it.¹¹⁹

MR. CHABOT replied to the remarks of the previous speaker, contending that the principle of the Bill was not changed from last Session, but the alterations proposed were merely to facilitate the closing of the whole business at an early day.¹²⁰

MR. DORION called attention to an entry in the Public Accounts of £423 on account of Seigniorial Tenure business.¹²¹

MR. AT. GEN. DRUMMOND said it was an error in the Accounts, and should have been properly entered under a different heading.¹²²

The Bill was read a second time.¹²³

(425)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.

Then, on motion of the Honorable Mr. Attorney General *Drummond*, seconded by the Honorable Mr. *Morrison*,
The House adjourned until Monday next.¹²⁴

Appendix

[NOTICE OF MOTION FOR AN ADDRESS RE: APPOINTMENTS TO OFFICE.]

MR. MACKENZIE [gave notice that he would move an Address for] a return of the names of all persons who have been appointed to any office of honor or emolument in Canada since the 28th day of March, 1855, (the day to which the last similar return was made up) exclusive of postmasters whose incomes are under £20, and Justices of the Peace, shewing the dates of their respective appointments, whether the appointment is temporary or permanent, the salary or fees in each case and so as to exhibit the actual income so far as it is known; also the name of each office, and the authority under which each such officer was appointed.¹²⁵

[NOTICES OF MOTION FOR ADDRESSES RE: PERSONS OF COLOUR.]

MR. LARWILL [gave notice that] on Monday next [he would move an] Address to His Excellency the Governor General, praying him to cause to be laid before this House, a Return of the number of all Negro or Colored Male or Female, Quadroon, Mulatto, Samboes, Half-breeds or Mules, Mongrels or Conglomerates, in the Penitentiary, Lunatic Asylum, or other Public Institutions; as also the proportion of those curious classes or varieties of the Provincial population as compared with the Celt and Saxon Races.¹²⁶

MR. LARWILL [gave notice that] on Monday next [he would move an] Address to His Excellency the Governor General, praying him to cause to be laid before this House, a List of all appointments which may have been made by Her Majesty's Government, of Her Majesty's Negro or Colored population in this Province, to situations of Military or Civil employment, either ornamental or profitable.¹²⁷

MR. LARWILL [gave notice that] on Monday next [he would move an] Address to His Excellency the Governor General, praying him to cause to be laid before this House, Copies of all correspondence between Her Majesty's Negro or Colored subjects and the Provincial Government, as to their continued

absence from the Jury Lists; And why, and wherefore, with equal property and intelligence, they are debarred from the exercise of those Civil Rights which their pale brethren possess.¹²⁸

[NOTICE OF MOTION FOR AN ADDRESS RE: LEGISLATIVE ASSEMBLY.]

MR. MACKENZIE [gave notice that] on Monday next [he would move an] Address to His Excellency the Governor General, praying that he will be pleased to prorogue this House forthwith, with a view to the immediate dissolution thereof, the present Legislative Assembly not being a fair and full representation of the qualified electors of the Province.¹²⁹

[NOTICE OF MOTION FOR A RESOLUTION RE: BANKS.]

MR. MACKENZIE [gave notice that he would move a Resolution] that the Clerk do request the managers of the several incorporated Banks in Canada to transmit a statement showing the name of every shareholder in such, his, her or their place of residence and the amount of stock the said shareholders severally hold, distinguishing where possible, the holders of new stock granted in the present and two last Parliaments.¹³⁰

[NOTICE OF MOTION FOR A RESOLUTION RE: COMPENSATION CLAIM OF JOHN MONTGOMERY.]

MR. MACKENZIE [gave notice that he would move] that the House do go into Committee to consider the following resolution: That an humble address be presented to the Governor General, setting forth, that John Montgomery, of the Township of York, Yeoman, has by his Petition complained to this House, that his extensive hotel, outbuildings, furniture, and other property, situated in said Township, were taken forcible possession of while rented to and in the occupation of his tenant, John Linfoot, Tavern-keeper, set on fire at noon day of Thursday, December 7th, 1837, and burnt to the ground, by Her Majesty's forces, then acting during an insurrection under the immediate direction of Lieutenant-Governor Sir Francis Bond Head, Baronet, in person, by which he, the said Montgomery, was subjected to a loss of ten thousand dollars, for which he had no redress or recompense: that the destruction of his property was wanton: that he is prepared to prove by the most clear and satisfactory evidence, and solemnly avows that he did not aid or encourage the party who were in armed insurrection, but on the contrary, strongly remonstrated against their occupation of his premises, and praying that His Excellency in Council would cause enquiry to be made and justice to be done to [the] petitioner.¹³¹

Footnotes

1. A commentary in *Globe*, 3 May 1856, reports the following information regarding the introduction of this petition: "The House of Assembly presented a very remarkable appearance yesterday afternoon. While it was engaged in the transaction of routine business, a long procession of reverend gentlemen, clad in gown and bands, with scarfs of various hues hanging from their shoulders, filed down Simcoe street and round in front of the Parliament buildings. They were headed by a short old gentleman of hale appearance, in lawn sleeves and wearing a hat of peculiar shape, and were followed by a stream of highly respectable individuals in the ordinary dress of citizens. After a few minutes' hesitation on the steps of the remarkable building in which the wisdom of the country assembles, the crowd of gentlemen entered the House, filling up the little space below the bar, the under galleries, and finally the whole strangers' gallery. Mr. John Hillyard Cameron appeared intensely excited during this demonstration, and walked about in the manner vulgarly ascribed to 'a hen on a hot griddle.' Mr. Mackenzie was speaking when the host came in, about the expense of bringing up the Queen's printer from

Quebec, or some other subject of a similar nature. The honourable gentleman has a happy faculty in discovering analogies; we do not know how he made out the connexion, but he very quickly passed from printers to priests. The gentlemen at the bar tried to smile, but the attempt was a failure. They were packed closely together — everybody was staring at them — and they looked, as they stood twirling their thumbs and doing nothing, thoroughly uncomfortable and out of place. Mr. Mackenzie was merciful and did not berate them long, but there were more reports of committees to present, and there they still stood in an attitude which made everybody sorry for them. At length, Mr. John Hillyard Cameron rose and presented a petition from the Synod of the Church of England in Canada praying for an Act of organization to enable them to transact their business. He read the petition, and referred to the fact that the members of the Synod were present in person to enforce its prayer. The honourable gentleman then put on his hat, made his best bow to the Speaker, and trotted out his parsons as he had trotted them in."

A commentary in *Morning Chronicle*, 6 May 1856, specifies that the petitioners who appeared in the House included "His Lordship the Bishop of Toronto, one hundred and forty of the Clergy, and two hundred and five lay representatives from congregations of the United Church of England and Ireland in the Diocese of Toronto". This newspaper also reports that "at the moment of their entrance into the House of Assembly, Mr. Mackenzie was speaking on the subject of a petition, and — 'bottled spider' as he is — took occasion to insult the reverend petitioners, in spite of the courteous hints of Mr. Speaker Sicotte. 'Now,' he said, 'we have the priests coming here by dozens to annoy us — they are perfect nuisances,' and other remarks in the same strain."

Other commentaries can be found in *Morning Chronicle*, 6 May 1856, *Montreal Gazette*, 7 May 1856, *Pilot*, 8 May 1856, and *Western Planet*, 12 May 1856.

2. *Hamilton Spectator Semi-Weekly*, 7 May 1856, reports that "Mr. Mackenzie opposed the bill in his usual style, but it was found that the clause objected to by him had been already amended."
3. *Globe*, 3 May 1856.
4. *Ibid.*
5. Both *Toronto Daily Leader* and *Globe* twice report the introduction of this Bill in their issues of 3 and 6 May 1856, pertaining to the sittings of 2 and 5 May, respectively. *Toronto Daily Leader*, 6 May 1856, and *Globe*, 6 May 1856, report that the Bill was introduced by Mr. Hartman, in the absence of Mr. Merritt, and *Toronto Daily Leader* adds that "the hon. gentleman said the object of the bill was simply to provide that counties might hold an annual exhibition at any time which was most convenient for themselves."
6. *Toronto Daily Leader*, 3 May 1856.
7. *Globe*, 3 May 1856.
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. *Toronto Daily Leader*, 3 May 1856.
12. *Ibid.*
13. *Ibid.*
14. *Ibid.*
15. *Ibid.*
16. *Globe*, 3 May 1856.
17. *Montreal Gazette*, 5 May 1856.
18. *Toronto Daily Leader*, 3 May 1856.
19. *Ibid.*
20. *Ibid.*
21. *Globe*, 3 May 1856.
22. *Montreal Gazette*, 5 May 1856.
23. *Toronto Daily Leader*, 3 May 1856.
24. *Montreal Gazette*, 5 May 1856.
25. *Ibid.*
26. *Globe*, 3 May 1856.
27. *Montreal Gazette*, 5 May 1856.
28. *Toronto Daily Leader*, 3 May 1856.
29. *Montreal Gazette*, 5 May 1856.
30. *Toronto Daily Leader*, 3 May 1856.
31. *Montreal Gazette*, 5 May 1856.
32. *Globe*, 3 May 1856.
33. *Montreal Gazette*, 5 May 1856.
34. *Globe*, 3 May 1856.

35. *Toronto Daily Leader*, 3 May 1856. *Montreal Gazette*, 5 May 1856, reports that Mr. Mackenzie "spoke at some length".
36. *Globe*, 3 May 1856.
37. *Montreal Gazette*, 5 May 1856.
38. *Globe*, 3 May 1856.
39. *Toronto Daily Leader*, 3 May 1856.
40. *Globe*, 3 May 1856.
41. *Montreal Gazette*, 5 May 1856.
42. *Globe*, 3 May 1856.
43. *Montreal Gazette*, 5 May 1856.
44. *Globe*, 3 May 1856.
45. *Ibid.*
46. *Montreal Gazette*, 5 May 1856.
47. *Globe*, 3 May 1856.
48. *Montreal Gazette*, 5 May 1856.
49. *Globe*, 3 May 1856.
50. *Montreal Gazette*, 5 May 1856.
51. *Globe*, 3 May 1856.
52. *Montreal Gazette*, 5 May 1856.
53. *Toronto Daily Leader*, 3 May 1856.
54. *Ibid.*
55. *Globe*, 3 May 1856.
56. *Toronto Daily Leader*, 3 May 1856.
57. *Montreal Gazette*, 5 May 1856.
58. *Toronto Daily Leader*, 3 May 1856.
59. *Montreal Gazette*, 5 May 1856.
60. *Toronto Daily Leader*, 3 May 1856.
61. *Montreal Gazette*, 5 May 1856.
62. *Globe*, 3 May 1856.
63. *Montreal Gazette*, 5 May 1856.
64. *Globe*, 3 May 1856.
65. *Montreal Gazette*, 5 May 1856. According to *Toronto Daily Leader*, 3 May 1856, Mr. Sanborn "entered at length into an explanation of his amendment".
66. *Montreal Gazette*, 5 May 1856.
67. *Globe*, 3 May 1856.
68. *Montreal Gazette*, 5 May 1856.
69. *Globe*, 3 May 1856.
70. *Montreal Gazette*, 5 May 1856.
71. *Globe*, 3 May 1856.
72. *Globe*, 3 May 1856. *Toronto Daily Leader*, 3 May 1856, reports that Mr. Hartman "entered into an explanation of some misstatements, respecting the Upper Canada School Education, perpetrated by the hon. member for Richmond and Wolf[c]".
73. *Montreal Gazette*, 5 May 1856.
74. *Globe*, 3 May 1856.
75. *Globe*, 3 May 1856. This newspaper does not indicate whether the speaker was Mr. A. Dorion or Mr. J. Dorion. It appears, however, from the several votes taken during this sitting that Mr. J. Dorion was absent from the House.
76. *Globe*, 3 May 1856.
77. *Toronto Daily Leader*, 3 May 1856. This newspaper and *Montreal Gazette*, 5 May 1856, both report that Mr. Bureau's amendment was put "after a short discussion".
78. *Montreal Gazette*, 5 May 1856.
79. *Globe*, 3 May 1856.
80. *Ibid.*
81. *Montreal Gazette*, 5 May 1856. *Montreal Gazette*, 9 May 1856, reports a short commentary on this debate.
82. *Globe*, 3 May 1856.
83. *Toronto Daily Leader*, 3 May 1856.
84. *Montreal Gazette*, 5 May 1856.
85. *Toronto Daily Leader*, 3 May 1856.
86. *Montreal Gazette*, 5 May 1856.

87. *Globe*, 3 May 1856.
88. *Globe*, 3 May 1856. Both this source and *Toronto Daily Leader*, 3 May 1856, differ from the *Journals* and report that Mr. Galt's amendment was put before Mr. Brown's amendment.
89. *Toronto Daily Leader*, 3 May 1856.
90. *Globe*, 3 May 1856.
91. *Toronto Daily Leader*, 3 May 1856.
92. *Ibid.*
93. *Ibid.*
94. *Ibid.*
95. *Ibid.*
96. *Globe*, 3 May 1856.
97. *Ibid.*
98. *Ibid.*
99. *Ibid.*
100. *Ibid.*
101. *Montreal Gazette*, 5 May 1856.
102. *Globe*, 3 May 1856.
103. *Toronto Daily Leader*, 3 May 1856.
104. *Globe*, 3 May 1856.
105. *Toronto Daily Leader*, 3 May 1856.
106. *Montreal Gazette*, 5 May 1856.
107. *Globe*, 3 May 1856. *Montreal Gazette*, 5 May 1856, reports Mr. Cauchon to say that "in Lower Canada Protestants and Catholics got on very well together until Upper Canada fanaticism had —". The newspaper adds that "the Reporter here lost a few words".
108. *Toronto Daily Leader*, 3 May 1856.
109. *Ibid.*
110. *Globe*, 3 May 1856.
111. *Toronto Daily Leader*, 3 May 1856.
112. *Globe*, 3 May 1856.
113. *Ibid.*
114. *Ibid.*
115. *Globe*, 3 May 1856. *Le Pays*, 8 May 1856, reports a commentary on this debate.
116. *Toronto Daily Leader*, 3 May 1856, reports that during the last division, Mr. Cartier was "sitting grinning at the futile attempts of the Opposition to stay the progress of his Bill."
117. *Toronto Daily Leader*, 3 May 1856.
118. *Ibid.*
119. *Ibid.*
120. *Ibid.*
121. *Toronto Daily Leader*, 3 May 1856. This newspaper does not indicate if the speaker was Mr. A. Dorion or Mr. J. Dorion. It appears, however, from the several votes taken during this sitting that Mr. J. Dorion was absent from the House.
122. *Toronto Daily Leader*, 3 May 1856.
123. *Ibid.*
124. *Globe*, 3 May 1856, reports the House adjourned at "half past 12 o'clock."
125. *Mackenzie's Weekly Message*, 9 May 1856.
126. *Montreal Gazette*, 7 May 1856.
127. *Ibid.*
128. *Ibid.*
129. *Ibid.*
130. *Mackenzie's Weekly Message*, 9 May 1856.
131. *Ibid.*

MONDAY, 5 MAY 1856

(425)

THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Evanturel*, — The Petition of *John French* and others, of the Parish of *St. Columba*, of *Sillery*.

By Mr. *Darche*, — The Petition of *Augustin Picher* and others, of *Bulstrode*; and the Petition of *Joseph Belle* and others of *St. Edouard de Gentilly*.

By Mr. *Jean Baptiste Eric Dorion*, — The Petition of *F.J. Lamontagne* and others, of *Matane*, County of *Rimouski*.

(426)

By Mr. *Octave Cyrille Fortier*, — The Petition of *P. Boissonnault* and others, of the Parish of *St. Michel*, County of *Bellechasse*.

By Mr. *Stevenson*, — The Petition of the Horticultural Society of *Prince Edward*.

By Mr. *Fournier*, — The Petition of *C.A. Verreault* and others, of *St. Jean Port-Joli*, County of *L'Islet*.

By Mr. *Brown*, — The Petition of *Thomas Choat* and others, of the County of *Peterborough*; the Petition of *Thomas Armstrong* and others, of the Township of *Otonabee*, County of *Peterborough*; the Petition of *George Waddell* and others, of the Township of *Plympton*, County of *Lambton*; the Petition of *Peter McGregor* and others, of the Township of *Plympton*, County of *Lambton*; the Petition of *Andrew Smith* and others, of the Township of *Plympton*; the Petition of *Dugall Fergusson* and others, of the Township of *Sarnia*, County of *Lambton*; and the Petition of *William McMeeken* and others, of the Township of *Holland*.

By Mr. *Aikins*, — The Petition of *K. Chisholm* and others, of the Town of *Brampton*; and the Petition of *William Whitehead* and others, of the Town of *Brampton*.

By Mr. *Jackson*, — The Petition of *John Moodie* and others, of the Township of *Bentinck*, County of *Grey*.

By Mr. Solicitor General *Smith*, — The Petition of *John A. Donaldson* and others.

By Mr. *O'Farrell*, — The Petition of *Charles F. Dionne* and others, of the Parish of *St. Antoine*, County of *Lotbinière*.

By Mr. *Wilson*, — The Petition of *Edward Long* and others, of the Town of *St. Mary's*, County of *Perth*; the Petition of *W.P. Smith* and others, of the Town of *Stratford*; and the Petition of *Thomas J. Jones* and others, of the Village of *St. Mary's*.

By Mr. *Mackenzie*, — The Petition of *George White* and others, of the Township of *Pickering*; the Petition of *George Tait* and others, of the Township of *Pickering*, County of *Ontario*; the Petition of *Duncan McDonell* and others, of the Township of *West Hawkesbury*; the Petition of *William Stringer* and others, of the Townships of *Canborough* and *Moulton*, County of *Haldimand*; the Petition of *John Shields* and others, of the Township of *West Hawkesbury*; and the Petition of *Andrew Thomson* and others, of the Township of *Mosa*.¹

By Mr. *Thibaudeau*, — The Petition of *P. Benoit*, Mayor, and others, of *Deschambault*, County of *Portneuf*.

By Mr. *Desaulniers*, — The Petition of the Reverend *J.H. Dorion* and others, of the Parish of *Ste. Anne d'Yamachiche*.

By Mr. *Murney*, — The Petition of *James Ketcheson* and others, of the Township of *Huntingdon*; and the Petition of *Henry Ostrom* and others, of the Township of *Huntingdon*.

By the Honorable Mr. *Cameron*, — The Petition of the Reverend *F.A. O'Meara*; and the Petition of the Reverend *S.S. Strong*.

By Mr. *Loranger*, — The Petition of *Edward Glackemeyer*, of the City of *London, Canada West*; the Petition of *Jean Baptiste Héneau* and others, of *St. Louis de Gonzague* and other Parishes, County of *Beauharnois*; and the Petition of *David Shaw Ramsay*, of the City of *Montreal*, Captain of No. 1 Troop of *Montreal Active Volunteer Cavalry*.

Pursuant to the Order of the day, the following Petitions were read: —

Of *A. Sherwood*, Chairman, on behalf of a public meeting of the Inhabitants of the Counties of *Leeds* and *Grenville*; praying for certain amendments to the Customs Duties Act.

(427)

Of *W.J. Millen* and others, of the Town of *Brockville*; praying that such measures may be adopted as will prevent the existence of a grievance so serious that the Provincial Penitentiary [sic] should become a great manufacturing monopoly instead of a place of correction.

Of *James McCallum* and others, of the Township of *East Oxford*; of *John Smith* and others, of the Township of *Brantford*; of *George Sherry* and others, of the Township of *Hungerford*; of the Municipality of the Township of *Ramsay*; of *David Campbell* and others, of the Township of *Ramsay*; of *Hugh McLean* and others, of the Townships of *Dalhousie* and *North Sherbrooke*; of *Peter McTavish* and others, of the Town of *Perth*; of *James Allan* and others, of the Town of *Perth*; of *Charles Rice* and others, of the Town of *Perth*; of *A. Bligh* and others, of the Township of *Penetanguishene*; of *Robert Lyon* and others, of the Village of *Richmond*; and of *James Hill* and others, of the Townships of *Goulburn*, *Marlborough*, and *Nepean*; praying that Representation may be based upon Population.

Of the Reverend *F.M. Turcotte, Curé*, and others, of the Parish of *St. Paul d'Industrie*; and of *T.H. Pacaud* and others, of the Parish of *St. Maurice*, County of *Champlain*; praying that no further guarantee may be given to the Grand Trunk Railway Company.

Of *Charles Smith* and others; of the Reverend *Edward Denroche* and others; and of the Reverend *St. George Caulfield* and others; praying for the abolition of Sunday labor in the Post Office Department, and on the *St. Lawrence* Canals.

Of the Municipality of the Township of *Clarke*; praying that no alteration may be made in the original Survey of the eighth Concession Line in the said Township.

Of the Reverend *E. Normandin* and others, of the Parish of *Lachenaie*; of the Reverend *E.H. Hicks* and others, of the Parish of *St. Roch*, County of *L'Assomption*; of the Reverend *T. Hurteau* and others, of the Parish of *St. Lin*; and of *P. Mowat* and others, of the Parish of *St. Henri de Mascouche*; praying that the County of *L'Assomption* may be attached to the County of *Terrebonne* for Judicial purposes.

Of *M.P. Lacroix* and others, of the Parish of *St. Bruno*, County of *Chambly*; praying for the abolition of Tithes.

Of the Municipality of the Township of *Ramsay*; and of the Municipality of the Township of *Artemesia*; praying for the repeal of the Separate School Act.

Of *James Mark* and others, of the Township of *East Hawkesbury*; praying that the Bill now before the House to confirm certain Surveys and allowances for Roads in the Township of *East Hawkesbury* may not become law.

Of the Honorable and Right Reverend *John Strachan*, Bishop of *Toronto*, and of the Clergy and Laity of the Diocese of *Toronto*; praying for the passing of an Act to enable them so [sic] regulate and manage their own Church affairs in the same manner as other Religious Communities.

Of *John. L. Ranney* and others, Masters and owners of Vessels; praying for the passing of an Act authorizing the appropriation of a sufficient sum of money for the erection of a Hospital for Mariners on the line of the *Welland* Canal, and the imposition of a tax on all engaged in the Trade to maintain the same.

Of *G.A. Purviss* and others, of *Litchfield*; praying for the passing of a Prohibitory Liquor Law.

Of *J.B. Bluett*, Bailiff of the First Division Court of *Goderich*; praying that the Tariff of Fees at present allowed to Bailiffs of Division Courts may be increased.

Of *Henry Burritt* and others, of the Village of *Burritt's Rapids*; praying that no encouragement may be given to induce a certain class of Emigrants to come to *Canada* from the *United States*², and for the repeal of the Separate School Act.

(428)

Of the Municipality of the Township of *Inverness*, County of *Megantic*; praying that the Counties of *Arthabaska* and *Megantic*, and the Parishes of *Agathe*, *St. Giles*, and *St. Sylvestre*, in the County of *Lotbinière*, may be erected into a Judicial District, and that *Inverness* be the County Town.

Ordered, That the Petition of the Agricultural Society of the County of *Middlesex*; and the Petition of the Municipal Council of the County of *Middlesex* relating to Agricultural Lands, be referred to the Standing Committee on Miscellaneous Private Bills.

Mr. *Stevenson*, from the Standing Committee on Printing, presented to the House the Sixteenth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the following documents referred to them, and recommend that they be printed *in extenso*: —

Return to an Address of the Legislative Assembly, dated 9th April, for Return of all Reports from the Chief Superintendent of Schools in *Upper* and *Lower Canada*, and all Correspondence between those Officers or either of them, and the Government, or with any Department thereof, in regard to the Common School Grants since the year 1848. The usual number to be printed: estimated cost, Fourteen pounds.

Returns to Addresses of the Legislative Assembly, dated 28th February last, — 1st, For a Statement of the different sums of money placed to the credit of the Special Fund set apart to aid the *Censitaires* in the redemption of the Seigniorial dues, and to defray the expenses arising out of such redemption, in virtue of the Seigniorial Tenures Act of 1854, and of the Amendments made thereto in 1855, and for other information; and 2ndly, For copies of all Instructions given by the Government to the Commissioners appointed to carry into operation the Seigniorial Tenures Act of 1854, and of any Correspondence on the subject between the Government and the said Commissioners. These Returns, Your Committee recommend, should be printed together, and form one document; the usual number to be printed: estimated cost, Eighty-nine pounds.

And the Petition of *Adolphus Scherfenberg* and others, *German* Inhabitants of the City of *Quebec*; representing that the *German* Emigrants arriving at the Port of *Quebec* are, by insidious manoeuvres and acts of intimidation, hindered from remaining in *Canada*, contrary to their inclination, and praying that means may be adopted to insure to the said Emigrants the protection to which they are entitled; the usual number to be printed: estimated cost, One pound fifteen shillings.

Mr. *Hartman*, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Thirteenth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Bill to enable the Reverend *Henry Patton*, Rector of *Cornwall*, to convey certain Lands to the Grand Trunk Railway Company of *Canada*, and to invest the money received for such Lands in trust for the Rectory of that Town; and have agreed to report the same without amendment.

They have also examined the following Bills, and prepared to each of them certain amendments, which they submit for the consideration of Your Honorable House, viz: —

Bill to incorporate the Village of *Ashburnham*, in the County of *Peterborough*.

Bill to incorporate the Union Bank of *Canada*.

Bill to consolidate and amend the Acts constituting the Charter of the Bank of *Upper Canada*.

Resolved, That this House doth concur in the Fifteenth Report of the Standing Committee on Printing.

(429)

Ordered, That Mr. *Loranger* have leave to bring in a Bill to naturalize *Alfred Faulkenberg*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.³

Ordered, That Mr. *Burton* have leave to bring in a Bill further to amend the Act for the formation of Incorporated Joint Stock Companies for manufacturing and other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.⁴

MR. GALT moved that it is the opinion of this House, that the Commissioner of Crown Lands should submit to this House a statement of the affairs of the Department of Public Lands within fifteen days after the meeting of each Session of Parliament.⁵

MR. AT. GEN. DRUMMOND said the Government had no objection to the motion, if he would alter it after the word "house," to "an annual report on the department of public lands within one month after the meeting of Parliament."⁶

MR. GALT altered his motion accordingly.⁷

[The motion] was then put and carried.⁸

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On motion of Mr. *Galt*, seconded by Mr. *Sanborn*,

Resolved, That it is the opinion of this House that the Commissioner of Crown Lands should submit to this House an Annual Report upon the Department of Public Lands, made up to the 31st December of each year; to be presented on the 15th February following, if the House be then in Session, or at the meeting of Parliament succeeding.

On motion of Mr. *Brown*, seconded by Mr. *Aikins*,⁹

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Return shewing the whole amount received by the Grand Trunk Railway Company in payment of Shares, Bonds, and Provincial Debentures, respectively; the manner of expending the same; the debts due by the Company; the estimated cost of completing the work; the sums available therefor; and all Correspondence had between the Government and the Company relative to the said Road since the last Session of the Legislature.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. *Hartman*, seconded by Mr. *Aikins*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to be pleased to cause to be laid before this House, a Return shewing the rate of discount charged on *Upper Canada* Bank Notes paid for Tolls, to the Collector of Tolls at *Montreal*; the total amount of such discount for the years 1853, 1854, and 1855, respectively; and whether the same has been applied and accounted for as Tolls, or in what manner disposed of.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. *Aikins*, seconded by Mr. *Hartman*,¹⁰

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, all Correspondence which has taken place between the Imperial Parliament and late or present Provincial Governments, relative to the increase of prices of Clergy Reserve Lands in *Upper Canada*; and also, all Orders in Council and Instructions to Crown Land Agents relative to the suspension of sales of Clergy Reserve Lands in the Counties of *Waterloo* and *Peel*, or any of the Townships thereof, and Returns made thereon by such Agents.

(430)

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. CONGER, in absence of Mr. Jas. Smith,¹¹ moved for an Address to His Excellency for a Return of the explorations and surveys made within the last year in the territory lying to the north of the Counties of Peterboro and Victoria, with the reports, maps and plans, if any, made by the surveyors employed on that service, showing the roads proposed to be opened, with the extent of lands embraced in such survey or exploration, and the quality of the same and the quantity thereof fit for agricultural purposes.¹²

MR. AT. GEN. DRUMMOND said the Government would offer no objection, if the words "reports, maps, and plans" were struck out of the motion. A return of these would, he conceived, be foreign to the object of the motion and involve a great deal of unnecessary expense.¹³

MR. MACKENZIE expressed the utmost astonishment. That was, he said, the first time Government proposed to save the country any expense.¹⁴

On motion of Mr. *Conger*, seconded by Mr. *Patrick*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Return of the Explorations and Surveys made within the last year in the territory lying to the north of the Counties of *Peterborough* and *Victoria*, with the Reports made by the Surveyors employed on that service, shewing the Roads proposed to be opened, with the extent of land embraced in such Survey or Exploration, and the quantity [sic] of the same, and the quantity thereof fit for agricultural purposes.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. *Casault* have leave to bring in a Bill to amend the Act 18 Vic. cap. 106.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. *Casault* have leave to bring in a Bill to amend the Act relative to imprisonment for debt.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. *Church* have leave to bring in a Bill to vest certain portions of certain original allowance for Roads in the Township of *Saltfleet*, in the County of *Wentworth*, in *John Robert Martin*, his heirs and assigns, in lieu of certain portions of lots thirty and thirty-one in the third Concession of said Township, taken and used for such Roads.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.¹⁵

MR. BIGGAR moved to suspend the 62nd Rule in so far as regards the introduction of a bill to enable the County Council of Brant to indemnify John Turner.¹⁶

[The matter was] referred to the Committee on Standing Orders.¹⁷

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On motion of Mr. *Biggar*, seconded by Mr. *Cook*,

Ordered, That it be an Instruction to the Standing Committee on Standing Orders, to take into consideration the propriety of suspending the 62nd Rule of this House in so far as regards the introduction of a Bill to enable the Municipal Council of the County of *Brant* to indemnify *John Turner*.

On motion of Mr. *Terrill*, seconded by Mr. *Conger*,¹⁸

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Return giving the names, official title, and amount of annual salary of each individual upon the permanent staff connected with the following Departments of the Public Service in this Province, viz: — Executive Council, Civil Secretary's Office, Provincial Secretary's Office, Provincial Registrar's Office, Receiver General's Office, Inspector General's Office, different branches Crown Lands Department, different branches Crown Law Offices, east and west, General Post Office Department, Educational Department, Public Works, Indian Department, Legislative Council, Legislative Assembly, Adjutant General's Office, Geological Department, and Bureau of Agriculture.

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Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. *Conger*, seconded by Mr. *James Smith*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, a Return of all Reports of Explorations and Surveys, if any, made by Engineers or others, since the year 1835, employed to examine the Valley of the *Trent*, and the country westward to Lakes *Simcoe* and *Huron*, with the view of constructing a Canal from the *Bay of Quinté* to Lake *Huron*.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. *Church*, seconded by Mr. *Delong*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, copies of two Memorials presented to His Excellency by *William M. Kelly*, Esquire, late Collector of Customs for the Port of *Toronto*, and bearing date June and November last, with his Letter to the Inspector General transmitting the same, and any replies that have been made thereto.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. *Antoine Aimé Dorion*, seconded by Mr. *Papin*,¹⁹

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, copies of all Correspondence which may have passed between the Imperial and Provincial Governments since the year 1850, on the subject of the Jesuits' Estates.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. DALY, in absence of Mr. Chisholm, introduced a Bill to amend the Act 12 Vict. chapt. 78.²⁰

MR. MACKENZIE would like to know what chapt. 78 was all about.²¹

A long interval ensued during which no hon. gentleman made an effort to enlighten the hon. member for Haldimand, although that hon. gentleman persisted in his query.²²

MR. AT. GEN. DRUMMOND then rose and said for once he was inclined to agree with the hon. member for Haldimand. Great inconvenience resulted from hon. gentlemen merely indicating the Act, when they introduced their bills. It would be much better if a notice were also appended pointing out the nature of the law.²³

The bill was then read a first time.²⁴

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Ordered, That Mr. *Chisholm* have leave to bring in a Bill to amend the Act 12 Vic. cap. 78. He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of Mr. *Ferrie*, seconded by Mr. *Christie*,²⁵

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, a Statement of the unexpended Balances of the Lunatic Asylum Fund in *Upper Canada*.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. *Bowes*, seconded by Mr. *Rhodes*,

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Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Return of all Real Estate within the Province which has been acquired from the Government and others by the Grand Trunk Railway Company, or by the Contractors, Messieurs *Brassey* and Company, for whose account held, and the cost of the same, and from whom purchased.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. *Mackenzie*, seconded by Mr. *Hartman*,

Ordered, That there be laid before this House, a Return shewing the Names of the parties for whom a new "Reserve Fund for uncommuted Stipends, Widows Annuities, &c.," of Forty-

four thousand four hundred and forty-one pounds seven shillings and ten pence, is assumed or proposed to be set apart, in page 241 of the Public Accounts, for *Upper Canada*, and of One thousand nine hundred and four pounds thirteen shillings and nine pence in *Lower Canada*; also, a Statement of all sums of money paid out of the proceeds of the Clergy Reserves in *Upper* and in *Lower Canada*, to any Church, Religious denomination, or individual, or on any account whatever, during the fiscal year 1855, and down to as late a date in 1856 as possible; together with copies of any Correspondence between the Government and parties affected by the above named reservation of money.

On motion of Mr. *Antoine Aimé Dorion*, seconded by Mr. *Galt*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, copies of all Correspondence between the Registrar of *Montreal* and the Government, relative to the accommodations to be provided under the Act 12 Vic. cap. 112, for the Registry Office for the County of *Montreal*, in the new Court House, in the City of *Montreal*.²⁶

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, copies of any Report which may have been made by *J.P. Rhéaume*, Esquire, relative to the state of Agriculture in the District of *Quebec*, or on any other subject having reference to the office he at present holds under Government, and for which he receives Two hundred and seventy-five pounds per annum.²⁷

Ordered, That the said Addresses be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. *Thomas Fortier*, seconded by Mr. *Masson*,

Ordered, That it be an Instruction to the Standing Committee on Printing, to inquire concerning the cause of the delay in the printing of the Journals and Appendix of this House for its last Session, and also, in the distribution of those Volumes and of the Statutes.

On motion of Mr. *Mackenzie*, seconded by Mr. *Aikins*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House at the earliest possible period, a Return of the financial affairs of the *Ontario*, *Simcoe*, and *Huron* Union Railroad Company, shewing, 1st. Their obligations or debts to the Government, in full detail, with the several payments they have made as principal, interest, or to the Railway Savings' Fund; the dates and amounts of each of the Debentures issued for their advantage; the amount of Interest advanced by Government in their behalf, and to whom paid, and for what obligation. 2nd. A schedule of the whole of the Company's funded debts to parties other than the Government, and stating whether any interest is due, and if so, how much. 3rd. The schedule of the Company's debts other than the above, and stating in any case in what way they are secured to creditors. 4th. A list of the Shareholders, with their places of abode, the shares they hold, and the amount paid and still due on each share. 5th. An account of all monies paid as wages, salary, gratuity, compensation or indemnity to the President and Directors, or to any of them, for any services they may have rendered severally or collectively. 6th. A statement of the Company's income from all sources for 1855, and estimate of their receipts during 1856. 7th. An account of the contracts made for the use of certain Steamers on Lake *Huron* by the Directors of the Company, the amounts paid and the returns, — the loss or profit.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

DR. POULIN moved an Address to His Excellency the Governor General; praying him to cause to be laid before this House, —

1st. A statement of the Revenue derived from Crown Lands in the District of St. Francis, during the year 1855, shewing under distinct heads the revenue accruing from the sale and rents of lands, and that derived from the sale of timber.

2nd. A statement of all the expenses of the Crown Land Department in the District of St. Francis during the year 1855, showing under separate heads the amount expended for roads and bridges, land agencies and timber agencies.²⁸

MR. FELTON requested the hon. member to add to his motion — A return of all persons who had been authorized to cut timber, on the timber berths in that district.²⁹

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On motion of Mr. Poulin, seconded by Mr. Felton,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, — 1st. A Statement of the Revenue derived from Crown Lands in the District of *St. Francis*, during the year 1855, shewing under distinct heads the revenue accruing from the sale and rents of lands, and that derived from the sale of timber. 2nd. A Statement of all the Expenses of the Crown Land Department in the District of *St. Francis*, during the year, 1855, shewing under separate heads the amount expended for roads and bridges, land agencies and timber agencies, and the names of the Agents. 3rd. A Statement of all persons holding licenses to cut timber in the said District, and a description of the timber berths.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Powell, seconded by Mr. Larwill,

Resolved, That an humble Address be presented to His Excellency the Governor General praying him to cause to be laid before this House, copies of all memorials and Correspondence on the subject of the application of the Clerks and other *Employés* in the office of the Supervisor of Cullers at *Quebec*, praying to be placed upon the same footing as the officers and servants of the other Public Departments at *Quebec*, in respect of a gratuity or bonus of a quarter's salary granted to the latter, in the year 1854, in consideration of the greatly enhanced cost of living in that City at the period referred to.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Felton, seconded by Mr. Poulin,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, Statements of the Marriages, Births, and Deaths, in *Upper* and *Lower Canada*, respectively, in each year, from the first of January, 1852, to the first of January, 1856.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. O'FARRELL moved an Address to His Excellency for Copies of all Correspondence, Reports and Orders in Council, in relation to the purchase of certain Beach and Water Lots by Henry Lemesurier, W. Charles Sharples, Thomas [sic] Walker, Jr., Henry Pemberton, Denis Boyne [sic] and others, in the Fief Sillery in Quebec.³⁰

MR. POWELL ... made some remark which did not reach the Reporters' Gallery³¹.

MR. O'FARRELL said, I call your attention, Mr. Speaker, to the remarks made by an hon. member of this house, and ask that they be taken down. I allude to the member for Carleton.³² (Laughter.)³³

MR. WILSON. — What did he say?³⁴

MR. SICOTTE the SPEAKER said, my attention was called to something else at the time. I did not hear the words used. I cannot say what they were, and, therefore, cannot ask them to be taken down.³⁵

MR. O'FARRELL. — If they are repeated, I shall insist on their being taken down.³⁶

The motion for the Address was then agreed to.³⁷

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On motion of Mr. *O'Farrell*, seconded by Mr. *Masson*,

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Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, copies of all Correspondence, Reports, and Orders in Council, in relation to the purchase of certain Beach and Water Lots by *Henry LeMesurier*, *Charles Sharples*, *William Walker*, junior, *Henry Pemberton*, *Denis Bogue*, and others, in the Fief *Sillery*, near *Quebec*.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, copies of all Correspondence, Memorials, Reports thereon, Orders in Council, Arbitration Bonds, and Awards thereon, in relation to the claim of *Denis Maguire*, of the *Spencer Cove*, for damages occasioned to his property by a rock and earth slide at that place.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a detailed Statement of the amount of salary, indemnity, fees and perquisites received; and of the disbursements incurred, by the Law Advisers of the Crown by virtue of their office in *Lower Canada*, from the 1st January, 1854, to the first January, 1856, such Statement to shew the amount, date and circumstance of each payment, together with the name of the person by or to whom each such payment was made.

Ordered, That the said Addresses be presented to His Excellency the Governor General by such members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. *Chisholm*, seconded by Mr. *Daly*,³⁸

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a Return of the number of acres of land purchased by the person holding the right of the allowance granted to *Clark Gamble*, by Order in Council, the agency at which such sale took place, the price per acre of such land, how long the said land has been open for sale, and the amount deducted from such sale on account of the claim of *Clark Gamble*, and the term granted for the payment of the balance due.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a Return of the amounts due in each year since the sale of the Government Roads, the date of the several payments on account thereof, and the amount due and unpaid on the 31st December, 1856 [sic]³⁹.

Ordered, That the said Addresses be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. *Frazer* have leave to bring in a Bill to amend the Statute 13 & 14 Vic. cap. 56, relating to Coroners in *Upper Canada*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.⁴⁰

Resolved, That the Return relative to the amount paid by the several Municipalities in *Upper Canada*, under the Act 13 & 14 Vic. cap. 68, presented on the 21st April last, be referred to a Select Committee, composed of Mr. *Chisholm*, Mr. *Stevenson*, Mr. *Conger*, Mr. *Hartman*, Mr. *James Smith*, and Mr. *Daly*, to report thereon with all convenient speed; with power to send for persons, papers, and records.

MR. CHISHOLM introduced a Bill to amend the Assessment Act.⁴¹

MR. HARTMAN enquired the nature of the bill.⁴²

MR. LUMSDEN said the bill was to provide that the statute labor should be charge[d] 5s. per day instead of 2s. 6d. as at present.⁴³

(434)

Ordered, That Mr. *Chisholm* have leave to bring in a Bill to amend the Assessment Act of *Upper Canada*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

(435)

On motion of Mr. *Church*, seconded by the Honorable Mr. *Spence*,

Ordered, That it be an Instruction to the Standing Committee on Standing Orders, to take into consideration the propriety of suspending the 62nd Rule of this House as regards a Bill to incorporate the Village of *Kemptville*.

On motion of Mr. *Huot*, seconded by Mr. *Prévost*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, copies of all Complaints which have been brought against *Cléophas Cimon*, in his capacity of School Inspector in the County of *Charlevoix*.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. *Powell*, seconded by the Honorable Mr. *Cameron*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Return of the Names of the County Court Judges in *Upper Canada*, the dates of their appointments, the population within their respective jurisdiction, and the amount of fees paid from the several Counties to the Fee Fund for the years 1853, 1854, and 1855.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. CAMERON moved for leave to introduce a Bill to enable the Bishops, Clergy and Laity of the United Church of England and Ireland in Canada, to meet in Synod.⁴⁴

MR. MACKENZIE said it would be a very great convenience to the House if they could have a synopsis of all the laws now in force affecting the Church of England, as they would be better able to judge of the position which that church occupied. He would, therefore, give a formal notice that he would call for such a synopsis to be made by the Law Clerk.⁴⁵

The Bill was then read a first time.⁴⁶

(435)

Ordered, That the Honorable Mr. *Cameron* have leave to bring in a Bill to enable the Members of the United Church of *England and Ireland*, in *Canada*, to meet in Synod.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment, viz: —

Bill intituled, "An Act to change the name of *George Byron Lyon* and of his family, by adding the name of "*Fellowes*:"

Bill intituled, "An Act to enable the *Hamilton Hotel Company* to increase their Capital Stock, and for other purposes therein mentioned:"

Bill intituled, "An Act to amend the *Lower Canada Municipal and Road Act* of 1855, and to authorize the organization of a Municipal Council in the Village of *St. Jérôme*:"

Bill intituled, "An Act to authorize the Court of Chancery and the Courts of Queen's Bench and Common Pleas in *Upper Canada*, to admit *Henry Spencer Papps* to practise as a Solicitor and Attorney."

And then he withdrew.

MR. BROWN moved that it be —

“Resolved — That it is expedient to repeal all such sections of the Common School Acts of Upper Canada as authorize the establishment or continuance of Separate Schools: and to place all the National Common Schools under one uniform system of superintendence and instruction, in which no violence shall be done to the religious feelings or opinions of any child, or the parent or guardian of any child.”

Mr. Brown, in supporting his motion, said: I am quite sure, Mr. Speaker, that it cannot be necessary to detain the house at any length in support of this motion.⁴⁷ There was a time when such a motion would have excited the feelings of the House, but fortunately the progress of the public mind upon this question has been very great, and⁴⁸ I think we can now at last discuss this question free from the acrimony which once characterized our debates upon it. It is now, I apprehend, fully admitted among public men, not only in Upper but in Lower Canada, that some common basis must be found upon which to place the Educational System of this country; and that that basis must be broad enough to receive persons of every persuasion upon an equal footing — framed to secure education for the children of all, without prejudice to the religious faith or opinions of any. (Hear, hear.) It is with that view I now address the house. It is a remarkable fact, that the Common School System of Upper Canada has been now in operation for fourteen years and yet not one case of practical grievance has arisen under it. It is true that during a considerable portion of that time Sectarian Schools have existed — but they have been forced upon us on theoretical grounds and not on the score of any practical advantage expected to result from their establishment. No considerable portion of the people of Upper Canada have ever been in favour of national Sectarian Schools. Pass over the Province from one county to another, — speak with the people — the yeomen — the intelligent masses — and I defy you to find any considerable number of persons in favour of them — nay, sir, I defy you to find in any one county any number of Roman Catholic laymen who would say that they have the slightest objection to their children being educated at the same Common Schools with their Protestant neighbours. The demand for Sectarian Schools does not proceed from the people — it is entirely the offspring of priestcraft.⁴⁹ It is the same sort of thing which they had seen in various countries in Europe and which had passed over to America, and latterly had reached Canada. But the time had come for the consideration of the question, as it was desirable that it should be settled upon some other basis than that upon which it stands at present.⁵⁰ It has been said that the Common School system of Upper Canada has always contained a sectarian provision; but this is a mistake. When the School Bill was first introduced by Mr. Harrison in 1841 or 1842, there was a clause inserted, providing for Separate Schools, under certain circumstances; but so stringent were the restrictions that hardly one Separate School arose under it for some years. A few years later, a change was made in the system, and it was provided that twelve householders might call for the establishment of a Separate School, but under the entire controul of the General Trustees.⁵¹ But many years passed away before a Separate School was established under this privilege⁵². A few years later, a Bill was introduced — in 1849, I think — by Mr. Malcolm Cameron, and in that Bill,⁵³ the sectarian provisions were repealed.⁵⁴ Unfortunately sir, this state of things was not allowed to continue. In the session of 1850, a School Bill was introduced into Parliament by the Baldwin-Lafontaine administration; Mr. Hincks had charge of that Bill, and in it there was no provision for Sectarian Schools. While it was before that house, however, a great pressure was brought to bear upon the government to coerce it into the adoption of a sectarian clause. I well recollect sir, that Mr. Hincks and the present Attorney General East (Mr. Drummond,) opposed very strenuously the introduction of that clause, and I do not think that there was one member of that Government who was in favour of having that sectarian clause introduced; but unhappily when the Government found that hon. members from Lower Canada had been privately influenced, and were incl(i)ned to go for it, they yielded to the pressure and introduced a sectarian provision into their measure. The sectarian wedge was not driven very deep in that Bill; but in the very next session another Bill was introduced into the Legislative Council, by a member of the Government, extending the sectarian clause a little further; and in 1852 still further demands were made and again granted. In 1854 the same parties at whose instance all these Bills were passed, came again before Parliament and demanded something further, and last session they succeeded in forcing on gentleman [sic] opposite a Bill which, had it passed, would have entirely

ruined the whole Common School System of Upper Canada.⁵⁵ That bill was brought down by the Government at the very last moment, within a fortnight of the close of the session. That bill provided that any five persons might have the power to establish a Separate School in Upper Canada⁵⁶; and there were other provisions of a most obnoxious character. It contained, however, this one fair provision⁵⁷: it did not confine the Separate Schools to Roman Catholics, but granted the former to Episcopalian or Presbyterians or Methodists or any denomination whatever; and there was no doubt that if Separate Schools were to be permitted at all, this was the correct principle. All should have the power or none should have it. There were just two ways, that the whole of the children of the country, of all denominations be put upon the same footing, or they must cease to have any national system at all.⁵⁸ No hon. member will stand up here, I am persuaded, and assert that he would deny to another religious body, what he enjoys for his own. And it is on this just principle that I mean to place my argument against the sectarian system.⁵⁹ He [Mr. Brown] would endeavor to avoid any remark which would produce acrimonious feelings in the house, as he hoped they were all disposed to meet this question upon its merits. He was convinced that the only basis upon which the question could be put was, that⁶⁰ if there is to be a sectarian clause in favour of Roman Catholics, you must extend it to all religious denominations. And now I ask, how is this to be carried out? I find that at the date of the last printed report of the Superintendent of Education, we had in Upper Canada 3,244 Common Schools — that the amount of money contributed for their support during the year (1854) amounted to nearly £200,000; and that the whole amount raised for educational purposes in that year, was about £240,000. The house will perceive that these vast sums were expended under the mixed system, for there were in Upper Canada in that year only three Protestant and 44 Roman Catholic Separate Schools. But with this small number of Separate Schools — all the rest being collective — it required \$800,000 to sustain the 3200 Common Schools — and even then they were only kept open upon an average of 9 months of the year. Now, sir, if our schools are only maintained at this great cost by our all acting together — I ask hon. gentlemen to say how we can possibly sustain a system under which the numerous Religious Denominations of our country would each have their Separate School? If we are to find school houses and school teachers and school apparatus for half a dozen sects all over the country — how can we sustain any National system of education at all? In 1854 there were 208,000 children in Upper Canada on the rolls of the public schools; but though there was that number in attendance during the year, we all know that there was a much less number in daily attendance. Taking, however, the gross number in attendance at any period of the year, we have the fact before us that something like 70,000 children of between five and sixteen years of age were not attending school at all.⁶¹

MR. POST. GEN. SPENCE asked if that was a correct statement. The Report said 60,000.⁶²

MR. BROWN: Yes; but the Census was taken in 1852, and the calculation was founded upon it. At the present population, 70,000 is greatly under the true number. Probably in 1854, 100,000 children did not receive the benefit of education.⁶³ This result we have under the mixed system; but what would it be in Upper Canada under a thoroughly sectarian system? If you carry out this Separate School system, instead of having 3,000 teachers, you will require 15,000⁶⁴, and five times the number of school houses than at present existed⁶⁵; and, instead of an expenditure of \$800,000 a year, you will require \$4,000,000⁶⁶; — how can this be accomplished? Education of the masses lies at the foundation of sound Government. Unless the people are intelligent — unless they are capable of understanding public questions — how can we expect to have public affairs properly administered? Sir, one of the most important duties entrusted to us as legislators, is, to take care that education shall be as widely diffused as possible; and if we desire effectually to reach the masses, it can only be accomplished by the adoption of a system in which the children of all sects meet together in the same school-room. We cannot attain the end through a separate or sectarian system. I shall not say what is the object of those parties who, out of this house, seek to extend the sectarian element through our school system; but I will say that the only and the direct effect of the success of their efforts would be to destroy our national schools, and leave a large portion of the

people to be reared in ignorance.⁶⁷ In many places it was difficult to get schools together; with the other system it would be impossible.⁶⁸ Thus far, Mr. Speaker, I think, I must have taken every member of this house with me; and I now wish to put it to hon. gentlemen what we are to gain by the adoption of this sectarian system? On what plea does the demand for separation entirely rest? Why, it is asserted that this Common School system is an infidel system — that religion is not taught under it — and that no education can be of a desirable character, unless directly accompanied with religious instruction. Now I do not wish to cast the slightest disrespect upon the Common School teachers of Upper Canada. I have the pleasure of having many friends among them whom I highly esteem, and I do believe, that no body of men, more intelligent or respectable can be found. But will any hon. gentleman assert that 3,200 teachers can be found in Upper Canada with the inducement of the small annual pittance we offer by way of salary, to whom we could properly entrust the religious education of our youthful population? I do not think that any hon. member in this house will venture to say so.⁶⁹ He [Mr. Brown] was quite convinced that hon. members would feel that it would be far better that the religious education of the youth should be entrusted to others. It might be that at some future time they would be able to offer inducements to such a class of teachers, but it is quite clear that that could not be made a national system as at present, because they had not such inducements to offer.⁷⁰ But supposing it were to be admitted that teachers could be found fitted to impart religious instruction to the people — in what way would they proceed?⁷¹ Hon. gentlemen will say, it must be done through the books, and the moral and religious influence introduced in teaching?⁷² Is there anything to prevent this now? Did any one ever hear of the rejection of a teacher because he was likely to introduce such an influence? On the contrary, he would more readily find employment. But I am told that under the sectarian system there would be religious books, and cannot religious books be had without getting them in schools? He would teach to read — let the church see that religious books are in the hands of the people. If, indeed, there was anything in the present school books of an objectionable tendency — ⁷³

MR. O'FARRELL. — Yes!⁷⁴

MR. BROWN. — When the hon. member addresses the house he will have the opportunity of proving this.⁷⁵ He was the first that had ever made such an accusation. Certain it was that the Roman Catholic Bishop's powers had cooperated heartily with the board, and had not made complaints. If there were such books however, by all means cease using them.⁷⁶ Every one who takes the ground I do, is prepared to declare, that he does not wish any book to be used in the Common Schools calculated to interfere with the religious belief of any child or the parent of any child. If the hon. gentlemen [sic] (Mr. O'Farrell) will take the ground that he objects to the national Common School System because of the books used, then we are prepared to meet him half way and to take every means to remove all just complaint if any such can be shown to exist on that score. The first discussion I ever had upon the Sectarian School system was with some clergymen of my own church. Some years ago it was proposed to establish a Sectarian School at Toronto in connexion with the Free Church, and I opposed it most strenuously upon the ground that it was not the province of the church to charge itself with the secular education of youth. We had a long discussion, and I well recollect that the end of it was, the demand for the use of the Bible and the catechism in the Common School. Now, with regard to the Bible, I do not think there can be any difficulty. No one would desire to force any child to read the Bible, whose parents are opposed to it; I believe this matter can very safely be left to local arrangement — and for one I can see no reason why the Bible, whether the Protestant or Roman Catholic version, may not be read at a special hour, before the opening of the school or immediately after its close — as may be agreed [sic] by the local Trustees. With regard to the catechism being introduced, that is a very different affair. It is very obvious that the dogmas of no church can be taught in such a community as ours, under a national school system. If we look at the comparative success of educational institutions throughout the world, I think we shall find that it is only under national education that the masses are being reached.⁷⁷ Where we are without it, there we have ignorance. Look at Ireland, at the progress made there since the national system has been

introduced.⁷⁸ By the last report of the Irish Board I think it was shown that some 800,000 children were in attendance on [sic] the public schools of that country; while the first year of their establishment — not very long ago — the number in attendance was not a twentieth part of that number. Look even at Prussia and Austria, and mark the wide diffusion of instruction flowing from their national schools. I need say nothing of the great success which has attended national education in the New England and other States of the neighbouring Republic.⁷⁹ He [Mr. Brown] desired to avoid anything which would produce acerbity [sic] of feeling. He should therefore avoid any observation in reply to a speech of the hon. member for Montreal, about education in Belgium. This he believed he might shew, the success of their educational system was due to their former connection with Holland and Spain, that had ceased, and the education falling into the hands of the Protestants had deteriorated.⁸⁰ In Canada, we cannot have national education, unless on a non-sectarian basis. I never could understand, how any man could honestly say that it is an act of infidelity to teach a child to read and write — to teach it the rudiments of education? Enquire of any clergyman, I care not to what denomination he belongs, whether he would rather preach to a person able to write and read, rather than to one in utter ignorance — and you can get but one answer. It must be that his religious admonitions would be more effectual when addressed to educated people. The thing is quite clear. And can it really be right to split up the community by fostering sectarianism among the very children in the schools?⁸¹ They who were adults were enough split up. Why divide children, and raise dissensions between them. This was of itself an evil, but was set up as the state of things desired in opposition to a system which would bring all together for the purpose of secular education.⁸² It is very satisfactory to observe the change in public opinion which has taken place upon this question. If hon. members from Upper Canada would speak out their private sentiments, I am persuaded we should have an almost unanimous vote upon this occasion; and such a vote would only be in accordance with large numbers of petitions from municipalities and public bodies, and public meetings, presented to us this session. But, Sir, it is still however gratifying to find that the advance in public opinion on this question is even extending to Lower Canada⁸³, [as shown by] an amendment proposed by a member from Lower Canada, desiring the schools of the whole Province to be placed upon one common basis.⁸⁴ I hope that this house is at last disposed to take a broad and enlightened view of this question, and to divest itse[l]f of those local prejudices which have hitherto prevented our getting the national system of education of Upper Canada placed on a right basis. Nay, Sir, I hope the day is not distant when one will be adopted for both sections of the Province. And speaking of Lower Canada I must say, that my admiration has been often excited in looking over her history by the enlightened views on the subject of education exhibited by her early rulers.⁸⁵

Hear, hear, from opposition benches.⁸⁶

[MR. BROWN continued:] The gentlemen cried hear, hear. Aye, if they were only to refer to the past history of their own people, they would support him [Mr. Brown] in the course he was pursuing.⁸⁷ I think that so far back as 1784, a proposition was made for establishing a national system of education for the Province of Quebec; the scheme embraced Common Schools, Grammar Schools, and an University — and all upon what principle do you think, Mr. Speaker? Why, Sir, upon the very principle embodied in the principle of non-sectarianism; and how was this noble scheme defeated? Why, by Priestcraft. (Laughter.)⁸⁸ Had it gone into operation, that Province would be far in advance of what it actually is.⁸⁹ The Roman Catholic Bishop, among others, was called upon to give an opinion upon the scheme, and sent in a letter to the Government against it. In the commencement of his letter he lauded the proposition, but he soon changed his tune, and concluded by assailing it on sectarian grounds. The Bishop had, however, a coadjutor; he, too, was applied to for an opinion, and his reply was a review of the Bishop's letter. He professed not to believe that the Bishop's letter was genuine, denounced it as a malicious forger[y], and held it up to derision from beginning to end. I do not know whether we shall have an argument to-night in favour of Sectarian Schools; but if we do, I will be bound that not one plea will be offered in their favour, which was not put forth by the Roman Catholic Bishop on that occasion,

or one argument used in reply that was not employed upon that occasion by the coadjutor in showing up his Bishop.⁹⁰ He [Mr. Brown] next referred to the demand made by the people for the abolition of sectarian schools through petitions, formed not only in this, but in previous sessions.⁹¹ Let me recall the attention of hon. gentlemen to one point. We had a Bill last session introduced by hon. gentlemen opposite to secularize the Clergy Reserves; in that Bill they declared the connection between Church and State to be severed forever. Now what closer connection can there be between Church and State than the selection of a particular religious system to be taught in the national schools and supported from the public purse? (Hear, hear.)⁹² He should be glad himself to have religion taught in schools, but he believed it could not be done under any effective system of national education. They must leave such tuition to be given at the fireside and Sabbath school. They might perhaps do in all the schools as in the Normal School in Toronto, and hand over the children during certain hours to their religious teachers, quite apart from the school education. But that was the extent to which it ought to be carried.⁹³ I am in hope that my motion will receive a much more favorable reception from the house than such a motion has ever before received. If the Union is to continue at all it must be by our finding some principle upon which we can get quit of our sectarian difference and proceed harmoniously together⁹⁴, by an assimilation of our systems of government, and of education upon some broad national basis.⁹⁵ It is clear that the people of Lower Canada cannot long continue to force sectarianism upon Upper Canada. It will be seen by the vote to be given to-night as it has been seen by previous votes, that the people of Upper Canada are opposed to it; and if we are to go on harmoniously together, some respect must be paid to Upper Canada feelings. I appeal to hon. gentlemen to consider the great benefits that have flowed from the Common School system of Upper Canada, and whether it would not be indeed sad if it should be marred in any way — whether it would not be far better if those facilities for establishing Sectarian Schools, which now exist, instead of being extended, were swept away for ever. It is clear that the question cannot remain as it is now.⁹⁶ The Roman Catholics were not satisfied with what they had already got — they were asking still more.⁹⁷ Every year we will have additional applications for extending the sectarian system, such as we have now before us in the Bill introduced by the member for Toronto (Mr. Bowes.) The hon. member has been keeping back his measure, till this motion is disposed of; but so surely as this motion shall be thrown out, he will be down with his Bill and drive in the sectarian wedge still further, if he can — and never will the efforts of the parties who demand sectarian education cease, until the complete control of their schools, and their full share of the public money according to their numbers, and not according to the amount of their contributions, have been extended to them — and the money of the Protestant inhabitants of Upper Canada, directly applied for the support of Roman Catholic schools.⁹⁸

MR. POST. GEN. SPENCE. — You are discussing Mr. Bowes' Bill!⁹⁹

MR. BROWN. — I apprehend that, under a general motion, I have a right to discuss Mr. Bowes' Bill, or Mr. Spence's Bill — Bills that have been, as well as Bills that may be introduced. I have the right to take up and discuss the Bill brought down by the Postmaster General and his colleagues, within a fortnight of the close of last session, and in regard to which the Government would not allow even two day's delay, to permit hon. members to communicate with their constituents. Had that measure been carried, the effect would have been entirely to ruin the School System of Upper Canada. Fortunately we have now got to a region, where the Government dare not repeat what they attempted last session. (Hear, hear.) No one can believe, however, that the hon. gentlemen opposite have changed all their opinions within the last few months, or that they have less desire now than they had then to carry such a measure, if they were in a position to do so. I would also call the attention of the house to this remarkable circumstance, that those portions of Upper Canada which have most firmly and persistently appealed to this house against Sectarian Schools, have been those districts of the country where the Roman Catholic population is most numerous. The United Councils of Dundas, Glengary and Stormont, containing,

I believe, a majority of Roman Catholics, have almost every year presented petitions against Sectarian Schools, and the same has been the case in regard to Essex and Kent.¹⁰⁰

MR. LARWILL. — I differ from you there directly and positively.¹⁰¹

MR. BROWN [said that he] had represented that county longer than the hon. gentleman.¹⁰²

MR. LARWILL. — You misrepresented it.¹⁰³

[MR. BROWN continued:] I have had the honour of representing the county of Kent for a longer period than the hon. member; and I can say that on more than one occasion I presented petitions from its County Council against Separate Schools, and from a great many of its township Councils. And when it goes to the county of Kent that the hon. member got up in his place to-day, and declared that his constituents were not opposed to Sectarian Schools, my belief is that the hon. member will receive plenty of petitions to present on the subject.¹⁰⁴ In Peterboro, also, where there was a large Roman Catholic population, the feeling was decidedly against them.¹⁰⁵ There is another point which should not be lost sight of. If we are to carry out the Sectarian system in regard to Common Schools, can we refuse to carry it out in regard to other schools also? And what will be the result, if it is applied to Grammar Schools — if we are to have in every county a Roman Catholic Grammar School, a Church of England Grammar School, a Presbyterian Grammar School, and so on, through all the denominations? The idea is an utter absurdity, and yet that is what the Sectarian system must lead to. I shall not longer detain the house, as I am sure the subject will receive its most careful consideration; certainly there is no one subject which can come before the house, which has received more attention from the public throughout the country, than this of sectarian education. And the public have come to this conclusion — at which, I trust, a great many members of this house have also arrived — that the only wise course for us to pursue is to strip our national system of sectarianism altogether. I will only say further that I have no party object, in making this motion. I hold now, as I have always held, that the prosperity of our country must depend, in a very great degree, on the efficiency of our educational system, and to secure that is my sole object. (Hear, hear.)¹⁰⁶

[The House then adjourned for the evening recess.]

MR. SICOTTE the SPEAKER having taken the chair,¹⁰⁷

MR. FELTON said that the position of certain hon. gentlemen as the professed leaders of Protestantism in this Province was somewhat singular. If the hon. member for Lambton was a thorough supporter of Protestantism, he would have as much regard to the Protestantism of Lower as of Upper Canada. But the course he was now taking would be destructive to Protestant interests, so far as education was concerned, in Lower Canada.¹⁰⁸ If there are to be no separate schools in Upper Canada, how can we resist the attempts to do away with separate schools in Lower Canada? Although privately opposed to separate schools, he did not feel prepared to force these opinions upon every body else. If religious feelings were to be continually stirred up¹⁰⁹ by persons like the member for Lambton¹¹⁰, it would be impossible that a general school system could be established. The Protestants of Lower Canada could not vote for the motion before the House, because if they did they would close up every Protestant school in Lower Canada. This he was not prepared to do. The Catholic population of Upper Canada should be placed upon the same footing as the Protestants of the Lower Province.¹¹¹ The only practicable course was to give liberty to establish Separate Schools, to those who in both sections of the Province could not concur in the general school system. The member for Lambton spoke of the Dissentients as if they were a contemptible minority. But, by the last census, of the total population of Upper Canada, 952,000, no less a number than 167,000 were Roman Catholics, 20,000¹¹² [OR] 23,000 more ... than Protestants in Lower [Canada]. Thus upon no shadow of justice could Protestants of Lower Canada, demanding separate schools for

themselves, refuse the same privilege to Catholics in Upper Canada.¹¹³ He understood there were some gentlemen from Lower Canada ready to do away with separate schools there. If so, their conduct was very different from the liberality which had characterised their political predecessors.¹¹⁴ He did not understand that the Protestants in Upper Canada were all of the opinion of the member for Lambton. The highest authority in Upper Canada of the Church of England¹¹⁵ had lately described the attempt to educate children without religion as unchristian. The principle of the member for Lambton would, therefore, affect most of the religious bodies in the Province¹¹⁶. The member for Lambton would not only keep schools from the Roman Catholics — he would keep them also from the Church of England, if they thought fit to establish them, in the event of the Common Schools falling into the hands of Roman Catholics or infidels. Abstractedly, perhaps, he fully agreed with the member for Lambton¹¹⁷ that there should be a uniform system for both Provinces if possible, but he would not expect everybody to adopt his views. Four-fifths of the people of the Church of England¹¹⁸ in the Lower Province ... would not submit to have their children educated at any other than Church of England or Kirk of Scotland schools, the similarity of the doctrine of the two churches rendering that view prevalent.¹¹⁹ They would not send them to a Unitarian, or Universalist, or Roman Catholic School.¹²⁰ He moved to amend the original motion, by leaving out all the words after "Separate Schools," and inserting the following: — "On less favourable conditions for the Roman Catholic population of Upper Canada, than are now enjoyed by the Protestant population of Lower Canada, under the Common School Acts of that section of the Province, and to make such provisions for Separate Schools as will place the Roman Catholic minority of Upper Canada, relatively [sic] to the Protestant majority, precisely in the position which the Protestant minority of Lower Canada now holds in reference to the Roman Catholic majority."¹²¹

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Mr. *Brown* moved, seconded by Mr. *Christie*, and the Question being proposed, That it is expedient to repeal all such Sections of the Common School Acts of *Upper Canada* and authorize the establishment or continuance of Separate Schools, and to place all the National Common Schools under one uniform system of superintendence and instruction, in which no violence shall be done to the religious feelings or opinions of any child, or the parent or guardian of any child;

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Mr. *Felton* moved in amendment to the Question, seconded by Mr. *Loranger*, That all the words after "That" to the end of the Question be left out, and the words "it is expedient to repeal all such Sections of the Common School Acts of *Upper Canada* as authorize the establishment or continuance of Separate Schools on less favorable conditions to the *Roman Catholic* population of *Upper Canada* than are now enjoyed by the Protestant population of *Lower Canada* under the Common School Acts of the latter Section of the Province, and to make such provision in reference to Separate Schools as will place the *Roman Catholic* minority of *Upper Canada* relatively to the Protestant majority, precisely in the position which the Protestant minority of *Lower Canada* now do or hereafter may hold in reference to the *Roman Catholic* majority" inserted instead thereof;

MR. AIKINS, for one, could not support the amendment. He would be in favour of a uniform system of education being adopted for both Lower and Upper Canada,¹²² but it should be upon a non-sectarian basis. He should have no objection to place the Protestants in Lower Canada upon the same footing as the Catholics of Upper Canada. It was said the religious faith of the children would be tampered with, but that might be easily prevented. Next, that children should early receive religious training.¹²³ If all held the same religious opinions, he would have no objection to religious instruction in schools; but it could not be carried out, when there was a variety of religious opinions.¹²⁴ In a national system of education, there should be no opportunity given for the inculcation of particular religious views; and when that principle was carried out, the minority could have no cause to complain. He thought that great good resulted from mixed schools, in lessening among the rising generation the asperities that were apt to spring up among the professors of separate religious creeds.¹²⁵ He had attended a mixed school; he sat on the same form with those who read the Bible, he had read it sometimes himself and it had done him no harm.¹²⁶ The extremes of opinion were modified by contact; while the Separate School system

perpetuated and strengthened these extreme opinions.¹²⁷ Common Schools ought to be what they purport to be — common ground where all could stand alike.¹²⁸ The amendment proposed to be moved by Mr. Papin met his approval. One common, unsectarian system should be adopted for both sections. The parent and the Sabbath school teacher should attend to the religious instruction of the children. He desired to see sectarian schools entirely done away with.¹²⁹ If the Separate School system was carried out, he had no doubt it would break up our Common Schools, and be productive of incalculable mischief. The Common School [sic] system of Upper Canada had wrought admirably, and it would be much to be regretted, if its efficiency should be destroyed.¹³⁰

MR. BOWES was sorry that some members standing in the same position with respect to Lower Canada had not moved to do away with dissentient schools in Lower Canada; also, in order that the thing might be put upon its true basis, there was no reason why, if this boon were taken away in Upper Canada, it should be retained in Lower Canada.¹³¹ All the arguments in favor of the repeal of the separate schools was met by a paragraph from the Chief Superintendent of Upper Canada. He, the Superintendent, would regret if any one would attempt to repeal the law, regarding it as the safety valve of the system.¹³² The Superintendent ... had spoken with prophetic knowledge about the agitation, foreseeing it, and expressing the regret he should feel if this subject were ever taken up by any party politician for party purposes.¹³³ But it was a capital subject for a bankrupt politician to agitate Upper Canada upon, having lost that of the Clergy Reserves, and other such subjects¹³⁴, and [to] endeavor to carry with him a certain party in the Province. What was the great damage dissentient schools were doing? Out of the £24,000 appropriated¹³⁵ last year to the Schools of Upper Canada, Separate Schools had only got £700 5s. 6d. — of which Toronto had got £250.¹³⁶ The Catholic population of Upper Canada formed about one-sixth of the population of the Province; yet how much less than a sixth part of the grant they got.¹³⁷ If the distribution was based on population, as in Lower Canada, the Roman Catholics would have got about £4,000. He did not desire the distribution, however, to be on that principle; but that it should be based on the number attending the Schools.¹³⁸ The object was simply to give general education to people of Upper Canada. The question of state education was not the one before the House. It existed and was working well, attempts to interfere with it would be doing incalculable injury to the system. He did not think Lower Canadians would attempt to deprive the Protestants of Lower Canada of the privileges they enjoy under the Common School system. And it would be most unjust to deprive Catholics of the same privileges in Upper Canada. The report of the Chief Superintendent showed most distinctly that the Separate School system had done no injury to the educational interests of the Country. The hon. gentleman quoted largely¹³⁹ from the report of the Superintendent, declaring that the separate schools were a safeguard, depreciating their abolition; that while the Protestants in Lower Canada had them, the Catholics of Upper Canada might fairly demand them.¹⁴⁰ [He] urged that the opinion of the member for Lambton should not be taken in opposition to that of the Chief Superintendent.¹⁴¹ He was sure there was not a Catholic member from Lower Canada [who] would move or second a resolution to deprive the Protestants there of the rights they now possess.¹⁴²

MR. LORANGER. — Not one.¹⁴³

MR. BOWES. — In 1839, when secular education was started in England, the religious body to which he belonged — Methodists — at Manchester, protested earnestly against any such scheme. It had never been carried out in England. The Superintendent went on to show that the provision was of use in promoting the success of the system and preventing agitation against it. He [Mr. Bowes] was glad to see in his place the hon. member for Norfolk, who voted for and advocated these clauses of the former act when attempted to be repealed under the last administration, — the Superintendent who had made this system a study for years.¹⁴⁴ There was an erroneous impression abroad that the Roman Catholics got more money for educational purposes than they contributed. But all that they could get was from the Government grant in proportion to population, and then the amount which they taxed themselves.

He was surprised at the inconsistency of those who would raise an outcry about the minority being compelled to support a Church which they did not attend, and yet would compel Roman Catholics to pay for schools, to which they could not conscientiously send their children.¹⁴⁵ As the resolution of his Excellency depreciated the agitation for the repeal of this part of the law, as likely to do mischief, they only asked their fair share of the taxes for the support of their own schools. They only wished to use their own contributions to the revenue to teach the children after their own fashion. If he entertained conscientious scruples against sending his children to a Roman Catholic school, out from under his own eye, to be educated, should he not be prepared to accept the same scruples of Roman Catholics with respect to schools taught by Protestant teachers.¹⁴⁶ The Protestants of Upper Canada would not give their taxes to educate children of Roman Catholics; but they would not object to Roman Catholics having the disposal of their own school taxes.¹⁴⁷ But there were many in Upper Canada, besides the Roman Catholics, who were opposed to mixed schools. He was opposed to them himself, and would not send his children to them.¹⁴⁸ To leave the Bible out of the schools would be to establish a species of ostracism, which would not have the support of the great majority of the Protestants of Upper Canada; and that must be done if they established that system contended for by the member for Lambton.¹⁴⁹ He thought the amendment of the member for Wolfe (Mr. Felton) ought to carry, for he desired to see the educational systems of Upper and Lower Canada assimilated. But he could not support the amendment intended to be proposed by the member for L'Assomption (Mr. Papin), as he considered that the scruples and prejudices of the minority ought to be respected.¹⁵⁰

MR. LORANGER supported the amendment before the chair. The question now under discussion was a very important one. It was not merely a school question, but a question of religious equality; and, as a Roman Catholic, he contended that Roman Catholics and Protestants should be placed on an equal footing.¹⁵¹ It is very well to form reasons against separate schools, but the country wanted separate schools, and they could not be destroyed;¹⁵² and, under the existing system, Separate Schools were a necessity. Those who wanted to disturb that system were no friends to their country.¹⁵³ He saw no practical objection to the use of the Bible in Common Schools; Roman Catholics might use the Douay Bible, and Protestants the authorized version.¹⁵⁴ The [amendment of the] member for L'Assomption not being before the House, he would say nothing of it, but he thought the amendment of the member for Wolfe ought to carry through¹⁵⁵, for it recognized the religious equality of all her Majesty's subjects.¹⁵⁶ He did not desire to distrust the existing laws of Upper Canada.¹⁵⁷

MR. PAPIN then moved the following amendment: —

"That it is desirable to establish a general and uniform system of gratuitous El[e]mentary Education for the whole Province, to be supported entirely at the expense of the State, by means of Special Funds created for the purpose.

"That to carry out this system in a just and advantageous manner, it would be necessary that all the Schools thus established shall be opened without distinction to all children of an age to frequent them, and so conducted that none of them shall be liable by the nature of the instruction that shall be thus given, to have their beliefs or religious opinions done violence to or shocked in any manner."

He (Mr. Papin) was of the same opinion as the gentlemen who had already spoken — that Catholics and Protestants should be put on the same footing¹⁵⁸, not only as regards school matters, but on all political priorities.¹⁵⁹ But he wanted to put both parties on a different footing from that which they now hold.¹⁶⁰ L'instruction publique est, dans tous les pays un des sujet[s] les plus importants qui puisse occuper les législateurs, parce qu'elle est la source du progrès, de la richesse, de la civilisation et du bonheur des peuples. Mais cette importance augmente encore dans un pays comme le nôtre, où cette instruction a été si longtemps négligée et où elle est encore, à promptement [sic] parler, à son enfance. J'ai déjà eu occasion de donner mon opinion sur la valeur de la mesure proposée par le gouvernement durant cette session pour venir en aide à l'éducation du peuple dans le Bas-Canada. Cette mesure est, suivant moi, tellement défectueuse et laisse tant à désirer qu'il n'est pas surprenant de voir des membres, indépendans

du gouvernement, prendre ce sujet en main dans le but d'avoir l'opinion de cette chambre sur le système qu'il serait le plus avantageux d'adopter.

Pour ma part je pense que le seul moyen de mettre l'instruction publique sur un bon pied et de lui faire faire des progrès rapides est d'adopter pour toute la province un système général et uniforme qui convienne également à toutes les origines et à toutes les croyances¹⁶¹, et qui ferait disparaître tous les préjugés; et dans ce but le système doit être le même dans les deux parties de la province. Il doit consister dans une institution morale et intellectuelle; mais non pas une institution de dogme ou de secte¹⁶². Je ne discuterai pas la question de savoir si en aucun pays du monde il peut être avantageux d'avoir une religion d'État. Je me contenterai d'observer que dans un pays comme celui-ci, composé d'une population d'origines et de croyances religieuses tout à fait différentes, une religion d'État est une chose impossible, et dont personne ne peut même avoir l'idée.

Tout le monde étant d'accord sur ce fait j'en tirerai comme conséquence directe la conclusion que l'État ne doit pas et ne peut pas payer certaines sommes d'argent pour favoriser une religion ou une secte quelconque, et certaines autres sommes pour une autre religion et un[e] autre secte, car ce serait reconnaître autant de religions d'État qu'il y a de sectes différentes, et Dieu sait quel en est le nombre. Pourtant c'est là ce que fait l'État en subventionnant les écoles sectaires dans les deux sections de la province. De là les plaintes et les récriminations que nous entendons tous les jours, que certaine secte est plus favorisée que l'autre; que par exemple les catholiques du Haut-Canada n'ont pas leur part légitime de l'octroi fait pour [sic] la législature en faveur de l'éducation, comme nous l'a dit l'honorable membre pour Toronto (M. Bowes,) tandis que les protestans du Bas-Canada, qui sont eux aussi en minorité, ont plus que leur part, comme l'ont dit les honorables membres pour Richmond et Laprairie. De là les difficultés continuelles, le mécontentement et les murmures qui créent une entrave sérieuse au progrès de l'éducation. Je concours parfaitement dans l'opinion émise par ces messieurs que toutes les sectes doivent être mises sur un pied d'égalité et jouir des mêmes droits et des mêmes privilèges dans les deux sections de la province. Mais je diffère complètement d'avec eux sur les moyens à adopter pour atteindre ce but. Je pense que le seul moyen est d'établir dans toute la province un système national, ayant une direction commune, et par lequel toutes les écoles subventionnées par l'État seront ouvertes à tous les enfans en âge de les fréquenter, sans aucune distinction d'origine ou de croyance. Outre les raisons que j'ai déjà données en faveur de ce système, quand j'ai dit qu'il ferait disparaître les injustices qui se commettent nécessairement dans la distribution des deniers publics, et qu'il garantirait à tous la même somme de droits et de privilèges, il y en a une autre qui, je crois, est la plus forte de toutes. C'est qu'un pareil système serait le plus sûr moyen de créer l'union et l'harmonie dans toutes les classes de la société. Les enfans apprendraient, dès leur bas âge, à se regarder et à se traiter comme les citoyens d'un même pays, comme les membres d'une même famille, comme des frères en un mot. Nous ne serions pas exposés à voir l'acrimonie, l'antipathie et les haines que nous avons vues se manifester si souvent même au sein de cette chambre et qui ne se sont rien autre chose que le résultat des préjugés et du fanatisme religieux. Les enfans qui fréquenteraient ces écoles y apprendraient la morale qui est de tous les pays et de toutes les religions. Ce ne serait plus cette morale qui leur enseigne à mépriser et à haïr tous ceux qui ne pensent pas comme eux, mais ce serait une morale qui leur apprendrait à respecter non seulement tous leurs compatriotes, mais aussi leurs croyances, leurs opinions et même leurs préjugés.

Je n'ignore pas que d'un autre côté il y a contre ce système des objections qui peuvent paraître assez plausibles, mais que je considère néanmoins faciles à réfuter. L'on a toujours accusé ceux qui étaient en faveur des écoles mixtes, de vouloir priver la jeunesse de tout enseignement religieux. C'est une assertion fausse. Le système que je propose, loin de prohiber l'enseignement religieux, laisserait à chacun la faculté de donner ou de faire donner à ses enfans tout l'enseignement religieux qu'il jugerait à propos. Chaque propriétaire paie aujourd'hui une cotisation ou taxe directe pour le soutien des écoles publiques, et outre cela ceux qui y envoient leurs enfans paient encore une rétribution mensuelles [sic] à l'instituteur. Par le système que je propose, toutes les écoles publiques étant maintenues exclusivement aux frais de l'État, ceux qui ne voudraient pas donner eux-mêmes l'éducation religieuse à leurs enfans, pourraient, avec la

somme qu'ils paient aujourd'hui, leur faire donner une éducation religieuse beaucoup plus complète que celle qu'ils reçoivent actuellement dans les écoles publiques.

L'on prétend aussi qu'il est contraire à la doctrine catholique de laisser les enfants appartenant à cette croyance fréquenter les écoles avec des enfants appartenant à d'autres dénominations religieuses. Je comprends parfaitement qu'il est contraire à la doctrine et à l'esprit de la religion catholique de permettre aux enfants catholiques de fréquenter des écoles protestantes où on lirait la bible, ou dans lesquelles on donnerait un enseignement sectaire. Ceci est parfaitement clair. Et c'est précisément ce que je vou[drai]s éviter. Mais personne ne prétendra, je suppose, qu'il est défendu à un enfant catholique d'apprendre à lire, à écrire, d'étudier la grammaire, la géométrie, l'arithmétique ou toutes les autres sciences utiles en compagnie d'un enfant protestant. Je défie qui que ce soit, dans cette chambre, de soutenir une pareille proposition. Ce serait faire injure à la religion catholique que de lui donner une pareille interprétation. Ce serait vouloir lui donner un caractère d'absurdité et d'intolérance que l'on ne peut trouver nulle part dans sa doctrine.

Je sais qu'il y a dans cette chambre des hon. membres qui craindraient de compromettre leur popularité en votant pour la proposition que je fais.¹⁶³ Quelques membres pensent peut-être que les catholiques du Bas-Canada seraient opposés à un système d'éducation générale¹⁶⁴. Je n'ai consulté aucun de mes constituants à ce sujet, mais j'ai reçu des lettres de deux des plus éclairés d'entre eux qui se prononcent de la manière la plus emphatique en faveur des écoles mixtes. J'ai ces lettres dans la main et je demanderai la permission d'en lire les extraits qui y ont rapport. L'un s'exprime en ces termes: "Quant aux écoles mixtes, je suis en leur faveur, malgré toutes les récriminations et les défenses de notre clergé. Je voudrais que le fanatisme religieux disparaît [sic] de chez un peuple d'une croyance si diverse; et le seul moyen, suivant moi, c'est d'élever la jeunesse chrétiennement et en contact avec toutes sortes de religions. Pour se faire respecter il faut respecter les autres. Et je suis loin d'admettre que, pour une bonne éducation, il faille répéter le catéchisme pendant sept ans et apprendre à damner tous les protestants et schismatiques de l'univers."¹⁶⁵

[The hon. gentleman was] met by the jeers of the ministerial Lower Canadians¹⁶⁶.

[MR. PAPIN] said that it had been represented by these same gentlemen that he and those who had acted with him with respect to endowments of corporations, would be condemned by their constituents. But, instead of that, his conduct had been highly approved of, for the Catholic population was by no means illiberal, as these gentlemen would represent it to be. He then read another letter in which there was a strong expression of opinion against Separate Schools, as the great fomenters of ignorance — and this was written by one of the most intelligent and highly considered gentlemen in the country.¹⁶⁷ En parlant du surintendant de l'éducation du Haut-Canada, [il y est] dit:

"Il déteste les écoles de sectes et il a raison, car, c'est le moyen le plus puissant pour la propagation de l'ignorance, y compris le fanatisme."

Voici donc que les gens éclairés et amis de l'éducation comprennent la nécessité de l'établir sur des bases plus larges que celles qui sont assignées aujourd'hui, et condamnent l'enseignement sectaire, comme la source des préjugés, du fanatisme et de l'ignorance.

Vient ensuite la question d'argent qui en est une très importante en cette matière comme dans toutes les autres.¹⁶⁸ [M. Papin] rappelle à la chambre que lorsque lui et ses amis votèrent en faveur du bill de M. Darce pour obliger les maisons d'éducation de rendre compte de l'argent qu'elles reçoivent de la province, la presse ministérielle les représenta comme étant prêts à détruire la religion catholique. Et cependant presque tout le côté ministériel de la chambre vota, quelques jours après, en faveur d'une mesure encore plus impérieuse. Il est porté à agir comme il le fait aujourd'hui parce qu'il croit que l'État doit instruire le peuple, et si cela était fait d'une manière économique et générale, les parents auraient les moyens de donner à leurs enfants l'éducation religieuse qu'il leur plairait, et même plus qu'à présent.¹⁶⁹ Je m'attends à voir les honorables membres du gouvernement et leurs amis nous dire que l'état financier de la province ne peut pas permettre l'appropriation d'un fonds assez considérable pour maintenir toutes

les écoles élémentaires dans le pays. Il est un fait digne de remarque, c'est que les honorables membres de l'autre côté de la chambre ne parlent d'économiser les deniers publics que quand il s'agit d'éducation. Quand il est question de voter des millions de louis sterling pour le Grand Tronc, quand il s'agit de donner des millions d'arpens de terre pour le chemin de fer du Nord, quand il s'agit d'élever le salaire des ministres et de tous les fonctionnaires publics, l'on n'est pas en peine de trouver des sources nombreuses de revenus, et s'il n'en existe pas assez, l'on trouve aisément le moyen d'en créer; mais quand il s'agit de l'éducation, la caisse est toujours vide.

Je suis loin de prétendre que l'État ne doive pas faire des sacrifices pécuniaires même considérables pour les améliorations matérielles dont le besoin se fait sentir et qui sont de nature à promouvoir les intérêts généraux de la province. Au contraire je crois qu'il est du devoir du gouvernement de prendre tous les moyens en son pouvoir pour assurer l'exécution de ces grandes entreprises publiques, pourvu que ces entreprises soient bien conduites et que les deniers qui sont appropriés pour ces fins le soient d'une manière judicieuse. Mais si d'un côté nous ne devons pas reculer devant les questions d'argent quand il s'agit d'améliorations matérielles, nous devons encore bien moins reculer quand il s'agit de l'amélioration morale du peuple au moyen d'un bon système d'éducation.

Je résume les remarques que je viens de faire et le système que je propose, en deux mots: Instruction gratuite par l'État. Entrée libre à tous les enfans dans les écoles publiques avec protection pour les croyances et les opinions religieuses de chacun d'eux.¹⁷⁰ In conclusion, he would say that if his amendment did not carry, and if the house therefore decided against an uniform system, in deference to the desire for equality which he had expressed at the beginning of his speech, he must vote for the amendment of the member for Wolfe.¹⁷¹

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Mr. *Papin* moved in amendment to the said proposed Amendments, seconded by Mr. *Sanborn*, That the words "it is expedient to repeal all such Sections of the Common School Acts of *Upper Canada* as authorize the establishment or continuance of Separate Schools on less favorable conditions to the *Roman Catholic* population of *Upper Canada* than are now enjoyed by the Protestant population of *Lower Canada* under the Common School Acts of the latter Section of the Province, and to make such provision in reference to Separate Schools as will place the *Roman Catholic* minority of *Upper Canada* relatively to the Protestant majority, precisely in the position which the Protestant minority of *Lower Canada* now do or hereafter may hold in reference to the *Roman Catholic* majority" be left out, and the words "it is desirable to establish a general and uniform system of gratuitous Elementary Education for the whole Province, to be supported entirely at the expense of the State, by means of Special Funds created for that purpose. That to carry out this system in a just and advantageous manner, it would be necessary that all the Schools thus established should be opened without distinction to all children of an age to frequent them, and so conducted that none of them should be liable by the nature of the instruction to be thus given, to have their beliefs or religious opinions done violence to or shocked in any manner" inserted instead thereof;

MR. LABERGE desired the resolutions of the member for L'Assomption to be separated, and that not being allowed, moved an amendment of his own¹⁷².

MR. SICOTTE the SPEAKER refused to receive [it], as too much complicating the question before the chair.¹⁷³

MR. O'FARRELL had heard things uttered by the member for Lambton that night, which, unintentionally, no doubt, were yet a tissue of falsehoods. He thought the member for Lambton had spoken without hope of carrying his own motion; but perhaps he expected to carry that of the member for l'Assomption. The member for Lambton had said the common school system had been imported from Prussia or Austria.¹⁷⁴

MR. BROWN. — No, no. He spoke of the national, not of the common school system.¹⁷⁵

MR. O'FARRELL. — Well, the gentleman pretended that those opposed to him were inconsistent, because they had voted there should be no connection between church and state. The truth is, however, if he voted for compulsory education, he would be the most inconsistent person in the world; for how would he reconcile that with the voluntary system of which he approved? If the common school system was not the Prussian, it was certainly the American system.¹⁷⁶ The common school system, as the hon. member for Lambton would wish to have it, and as it was now in the States, was a delusion and had never been successful not even in the American States. There the system had been not only a positive failure, but far worse. Common schools¹⁷⁷, especially in New England, had been the fertile hot bed of insanity and crime of every description¹⁷⁸, and in short, every delusion. In one of the school districts in the States, no later than last week, they closed their schools and sat down patiently to await the millen[n]ium. That was a fact, beyond a doubt. Nor was it a solitary fact.¹⁷⁹ The Maine liquor law was one of the delusions fostered by these schools and there were crowds of others.¹⁸⁰ Had not the Know Nothings, the most detestable set of fanatics of the present day, derived the seeds of their odious principles from those Common Schools in Massachusetts and other States?¹⁸¹ The hon. gentleman concluded by expressing his determination to vote against the resolution of the hon. member for Lambton.¹⁸²

MR. SANBORN supposed that the views expressed by the member for Lotbiniere (Mr. O'Farrell) were those entertained by the Government on this question. (Hear, hear.) The hon. member had attacked the Common Schools, especially of Massachusetts, where the system had reached perfection.¹⁸³ If common schools led to insanity, the member for L'Islet [sic] ought to vote against them altogether, and certainly no schools could be more calculated to do mischief, if they did mischief, than those of Massachusetts, where the poorest child, without payment, could be prepared for the highest branches of collegiate learning. He could not imagine, however, what could be the ideas of a gentleman who, in the present day, could speak as the member for L'Islet [sic] had done.¹⁸⁴ It might be true that men of education were more liable to insanity than men, who left in utter ignorance had to make very little use of their brains, but he denied *in toto* that Common Schools were productive of crime. He had abundant evidence, on the contrary, that they were the great preventatives of crime¹⁸⁵, insanity and fanaticism.¹⁸⁶ And the Common School system had this advantage over all others, that while others educated only a portion of the people, Common Schools educated the whole people. (Hear, hear.)¹⁸⁷ Common schools and superior colleges ought to go together; but if either were to be abandoned, he would prefer to abandon the superior colleges. It was the common schools which alone gave to the masses the means of understanding their relations and duties to the outer world and general society.¹⁸⁸ He could have wished that the whole House had been able to understand the arguments of the member for L'Assomption (Mr. Papin) as well as those who were acquainted with his language. Had that been the case, he (Mr. Sanborn) would not have added a single argument.¹⁸⁹ He believed that a good, sound, common school system, would be one of the greatest boons which could be conferred on the Province.¹⁹⁰ The only true ground to proceed upon was that a national system of education should be based on principles applicable to all classes and all creeds. He thought it a most unhappy thing that there should be dissentient schools, the result of which was that children grew up entertaining toward each other the animosities of former generations. It would be much better if there could be one general system for the whole Province, which should not awaken the prejudices, or injure the feelings of one sect or another. This was the system in Holland, lauded by M. Cousin, who spoke with delight of seeing children of Protestants, Roman Catholics and Jews, all sitting on one form, receiving together the elements of a sound education. No school system, which sought to be national, and which was supported by the State, should inculcate any particular religious creed.¹⁹¹ If it be unsound in principle for the State to support a religious establishment, in any form as had been declared by our Legislature, then he apprehended they had no right to do so, indirectly, by maintaining a system of separate schools.¹⁹² He regretted that feelings of creed should arise in connection with such a question, and that hon. gentlemen should consider it necessary to vindicate the liberality of Roman Catholics, or the liberality of Protestants in regard to it. They ought to come to the consideration of it as citizens, independently of particular creeds. He did not believe there was any necessity

for separate schools in Lower Canada, and in the part of the country from which he came, there were none.¹⁹³ Once extend to Lower Canada the free school system and he did not believe they would find any prejudice arising against them. On the contrary, they would find that the system would meet universal approbation.¹⁹⁴ If there were any hon. members who had not yet fully made up their minds on the subject, he hoped they would look at it in the interest of the whole country, and if they did so, he thought they could hardly fail to give their support to the amendment of the member for L'Assomption. (Hear, hear.)¹⁹⁵

MR. POST. GEN. SPENCE fully concurred in part of the remarks of the hon. member who had just sat down — that hon. members in this House ought to endeavor to look at the important question under discussion with a mind free from bias or sectarian feeling. But he did not agree with that hon. member in the result to which he had arrived, that the House should adopt the amendment of the hon. member for L'Assomption. The views which have been offered this evening go to show that it was very difficult indeed to agree upon any general system of education. They had heard extraordinary views this evening — views which show conclusively that it will be impossible to agree upon any other general system of instruction than we have at present in existence, and he thought that if as Canadians we may be proud of any portion of our Institutions more than another, we may be justly proud of our educational system. It has proved the wisdom of those by whom it was introduced and consolidated, and he thought that after 15 years experience of our school system, hon. members would pause before they ruthlessly assaulted the system, and razed its splendid proportions to the ground. One of the most able and distinguished statesmen that ever held rule in any portion of Her Majesty's dominions, declared that the educational system of Canada was the crown and glory of this country. He had not heard anything this evening from any hon. member — not one single remark calculated to shake public confidence in that system. This fact ought to induce hon. members to pause before taking any step which might destroy the efficiency of that system. In 1841 we had the first Common School Act in Upper Canada, as has been remarked. We have had four or five Acts since, and it was important to bear in mind that in all these Acts the Separate [sic] School feature was recognised — with the exception of the Act of 1849 — and the allusion of the hon. member for Lambton to that Act was unfortunate, because it only proved how little confidence was placed in it, when in the following session that Act was so far amended as to have the Separate School clause unserted [sic] and in fact, that Act had never come into operation before it was amended. It was very evident that it was no[t] their duty now to enquire what should have been the system initiated in 1841, their duty was to endeavor to consolidate that system which had proved to have the acceptance of the people of Canada. Had any European been in the House while the hon. member for Lambton was speaking, he would have supposed that our educational system has nothing respectable in its character, — that in fact it was unworthy of the name of an education system at all. But what have been the results of that system? We find that it has been attended with an abundant measure of success. The school population has largely increased, and all children of school age have been in a large degree benefitted by our system of common school instruction. While from 1841 to 1854 [sic] the number of children of school age had doubled, the number of children receiving common school instruction had quadrupled. While such was the fact he would ask hon. members to pause before taking one step which might tend to injure this system. He had listened with great attention to the remarks of the hon. member for Lambton, because that hon. gentleman having placed his notice upon the paper on the 25th of February in reference to the question, and as he had taken care to send out his petitions throughout the country — ¹⁹⁶

MR. BROWN. — I never sent out any petitions, nor do I know of their being sent out.¹⁹⁷

MR. POST. GEN. SPENCE knew this, that great pains had been taken to send out printed headings, but as the hon. member for Lambton says he knows nothing of it, he (Mr. Spence) was bound

to accept his statement. He had, however, seen these headings, and knew that very particular instructions were sent to certain persons to whom they were sent to have them circulated.¹⁹⁸

MESSRS. MACKENZIE and HARTMAN ... denied any knowledge of any such circulation of printed petitions through the country¹⁹⁹.

MR. POST. GEN. SPENCE. — Hon. members around him had seen them²⁰⁰, and ... after all the pleadings for petitions, which had been sent throughout the country, very few petitions had come back to the House²⁰¹. He merely instanced this to show²⁰² that the feeling in Upper Canada was satisfaction with things as they are, and that there would have been no petitions on the subject, but for the desire of the member for Lambton and those members who surrounded him to get up a political agitation.²⁰³ He was satisfied that however differences might exist in some places in the country in regard to the Common School instruction, there was throughout Canada a strong abiding conviction in favor of the system as established, and he believed the people were willing to give our present system a fair trial. They are satisfied with it as it is, and if hon. members did not desire to make it the means of gaining political influence in the country we would hear very little of common school instruction in Upper Canada. But it was very evident that hon. members opposite had given no reason why the present concession to Catholics should be taken away. Not one solitary instance had been adduced to show that they had abused the privilege they had enjoyed since 1841; it would therefore be an outrageous attempt upon their liberties to deprive them of that privilege upon all the facts that had been brought forward. If it be a fact, as he had reason to believe it was, that out of over 3000 schools in Upper Canada they had only 44 separate Roman Catholic schools; and out of £24,000 of public money, and £200,000 raised by municipalities, the Roman Catholic Separate schools received only £700 5s. 6d., he thought that the hon. member for Lambton and his colleagues are certainly destitute of facts to sustain their position. They have failed to adduce one single argument to show why we should infringe upon the integrity of our school system. There are only 54 separate schools in Upper Canada, and 44 only of those are claimed by Roman Catholics. In 25 of the county municipalities, there is not a single Separate school — ²⁰⁴

MR. STEVENSON. — Twenty-seven.²⁰⁵

MR. POST. GEN. SPENCE. — These exist in cities, town, and villages; and there was not the slightest room to fear that they would extend to such a degree as to make them objectionable. In fact, if we will but go on calmly working out our Common School system, in the manner not offensive to our Roman Catholic fellow subjects — if we concede to them (as is conceded in extreme cases) the right to establish Separate schools, he was perfectly satisfied the object of the hon. member for Lambton, and those who thought with him, would be better obtained than by forcibly depriving them of a privilege they have enjoyed since 1841; a privilege which, he would say, we dare not refuse them. He claimed for Roman Catholics the same privileges in Upper Canada which he claimed for Protestants in Lower Canada; and, so far as his experience in the counties went, the utmost harmony existed between the different classes. Roman Catholics hesitate ... to send their children to the Common schools when the Protestants preponderate. He did not think that they should attempt to force a system upon the Roman Catholics that was distasteful to them, and he was quite satisfied there were many families who would find ... such a system as would meet the approval of the hon. member for Lambton — distasteful to their feelings.²⁰⁶ Without Separate Schools, in some parts of the country, Roman Catholics would get for their children no education at all, or be compelled to send them to schools where their feelings would be shocked by the expression of such views in regard to Roman Catholic priests, and the Roman Catholic religion, as were entertained by the member for Lambton. He was himself (Mr. Spence) opposed to Separate Schools, and would not encourage them²⁰⁷. He believed the proper solution of this difficulty would be to liberalize our school system as much as we can, both in [sic] the course of training, in the books, and in the teachers²⁰⁸; but there was a wide difference between the encouragement of Separate Schools, and the granting them under extraordinary circumstances.²⁰⁹

MR. BROWN. — As in the case of the Bill of last session, to wit.²¹⁰

MR. POST. GEN. SPENCE thought there was nothing in the Bill of last session to make the hon. member alarmed. It merely gave the power to five heads of families to call a meeting, and the right to ten heads of families to form a school if fifteen children could be found to attend it; while the previous law gave the same right to 12 heads of families. What had Roman Catholics got as an enco[u]ragement by the Bill? They get simply their proportion of the public money, not the municipal rate; and they are put to the inconvenience of securing a site of [sic] erecting a school house, and paying the teacher's salary and providing all the school books and the necessary appliances; and all they receive is simply their share of the public money in proportion to the number of children attending these schools. What does it amount to? Only £700 5s. 6d. out of a grant of £24,000. Under such circumstances are we warranted in breaking in upon a system which has produced such magnificent results in this country. If such a large number of children have been educated under the present system, if it has met so general acquiescence [sic] throughout the country, it would not be safe nor expedient to break in upon it.²¹¹ They should learn from the experience of other countries to be careful in this respect. The member for Lambton had directed the attention of the House to Ireland, but there the Common School system was participated in by the Roman Catholics, who were the large majority, and it was no wonder, therefore, that they should be satisfied. He thought they should be content with what had been found to be good and useful, rather than²¹² [make] war upon 200,000 Roman Catholics in this country and declare to them that they would not have a share of their own taxes for the purpose of educating their children, unless they adopt such a system as put forth in the views of the majority of the people of Upper Canada who are Protestants. He was not prepared to say to these Roman Catholics that they must submit to his conscientious views. He was prepared to give them the same liberty which he claimed for himself, and he supposed he was best discharging his duty to his country in carrying out the means of education to all, rather than by allowing a dark cloud of ignorance to prevail upon the land.²¹³ If they pursued that course, they would fall back to the condition of England, which was destitute of a national system.²¹⁴ The hon. member ... [then referred] to the discussion, that had taken place in England in regard to education, and the opposition which all attempts at a national system had received²¹⁵. He objected to the member for Lambton calling the Roman Catholic Schools sectarian. They should be called Separate or Relief. He could not concur in the amendment of the member for Wolfe (Mr. Felton). He did not think it necessary to blend the systems in the two sections. Neither could he support the amendment of the member for L'Assomption (Mr. Papin), the effect of which would be to throw the cost of maintaining education as a charge on the consolidated revenue, instead of its being provided for by assessment.²¹⁶ He wanted the people to pay for, and therefore, to take an interest in the common schools²¹⁷. He moved in amendment — "That all the words after 'that' in the motion be struck out, and the following inserted: — 'It is inexpedient to make any change in the Common School Laws of Upper Canada.'"²¹⁸

MR. BROWN said the hon. gentleman could not put that motion.²¹⁹

MR. SICOTTE the SPEAKER ruled out the amendment, on the same ground as he had ruled out that of the member for Iberville (Mr. Laberge).²²⁰

MR. POST. GEN. SPENCE hoped that since his amendment was ruled out of order, the amendments of the hon. member from L'Assomption and the hon. member for Wolf[e] would be thrown out, and the sense of the House taken on the main motion.²²¹

MR. HARTMAN replied to various arguments which had been urged on behalf of Separate Schools. He regretted that in such discussions hon. gentlemen should appeal to national or sectarian feelings, or any other feelings than those which were directed to securing the greatest good of the whole community. The member for Toronto [Mr. Bowes] had pointed to the small sum given to Separate Schools. But the great danger that was dreaded lay in the fact that the system was extending, and that every demand

of the supporters of Separate Schools had been conceded except in regard to the Bill of last session, for which no thanks were due to the Government. And it was this circumstance — that the demands were ever growing, and that they were almost universally conceded to, which had led to the agitation that had sprung up throughout the country against Separate Schools. The country had also been alarmed at the evident disposition of the Government to extend the system,²²² [for] within 14 days of the end of the last Session,²²³ [they] passed their Bill through the Upper House ... and attempted to force it through the Lower House as originally introduced, until compelled by the voice of the country to strip it of some of its worst provisions.²²⁴ The remarks of the hon. member for Toronto, with reference to the statement of the Chief Superintendent of Schools, was [sic] totally misplaced²²⁵. The approvment of the school laws which Mr. Bowes had quoted from Dr. Ryerson was applicable only to the law then existing and since reported; but he would now quote the same authority with reference to any separate schools. Accordingly, he read an abstract from the Chief Superintendent's report, condemning denominational schools as expensive and calculated to leave the children of the smaller denominations without any education at all, or education at the expense of their faith. The effect of the agitation which had been got up by the authorities of the Roman Catholic Church had been to drive²²⁶ Roman Catholic teachers out of employment, and even Roman Catholic parents have declared that their own schools were unfit to send their children to.²²⁷ In reference to Mr. O'Farrell's attack on the Common School system of Massachusetts, he recommended that hon. member to study Dr. Ryerson's last Report from page 170 to page 200, where he would find incontestible [sic] proof that the accusations he had brought against that system were altogether unfounded. He hoped the amendment of the member for Wolfe (Mr. Felton) would not prevail. He had no desire to assimilate the Common School system of Upper Canada to that of Lower Canada, in which, according to recent reports of the Superintendent of Education for Lower Canada, there was not much that they could copy with advantage.²²⁸ If Seperate [sic] Schools were sought for by one denomination, he maintained that every other denomination had an equal right to Separate Schools. Now, what he wished to see established was a broad-based national common school system. He believed that if there was one thing in Upper Canada which they ought to be proud of, it was their common school system; but if they wished to preserve that system they should free it from its present blemish. They did not want to do away with that system; they merely sought to wipe away its blemish.²²⁹ In support of his views, he read an extract from a speech of Sir R. Peel.²³⁰ The amendment of the Postmaster General was admirably adapted to the general policy of the Government, which was to get rid of every question by a side wind.²³¹ (No, no.)²³² The Postmaster General ... [urged] that Mr. Papin's resolutions should be voted down, on account of their imposing an additional burden on the revenue. He, (Mr. Hartman,) to secure an uniform unsectarian system of education for the whole of Canada, would be willing to vote even for that, and he had no doubt that for that purpose Upper Canada would cheerfully assume her own share of the burden, as well as receive her own share of the benefit. (Hear, hear.)²³³ Every man had a national right to do either as he liked with his property; but part of the right must be to give up for the good of society, and thus the school tax was levied upon all for the good of the whole community.²³⁴ He hoped hon. gentlemen would not allow ... [the Postmaster General's] motion to prevail. He should vote for the motion of the hon. member for L'Assomption, for it struck at the root of the evil.²³⁵

MR. CONGER felt it necessary to state that he was always opposed to separate schools, and always desired such a system as would enable every child to be educated without danger to his faith. He also thought it²³⁶ of great importance that the youth of the country should be educated together, and he had seen with deep regret the growing anxiety of certain parties to establish Separate Schools.²³⁷ He believed that that system struck at the root of national school education. It was, therefore, a check on the prosperity and progress of the country. He was not, however, prepared to vote for free schools, and should therefore vote against the amendment of the hon. member for L'Assomption.²³⁸ But [he] concurred in the rest of the amendment of Mr. Papin, and²³⁹ his intention was to propose an amendment to the original resolution so soon as the amendment[s] before the House had been disposed of — to the effect that

the system should be made applicable to all Canada.²⁴⁰ He was no advocate of sectional legislation; but, for the reasons he had stated, he would vote against both the amendments, and then submit another of his own.²⁴¹

MR. RANKIN differed from the hon. member for York [Mr. Hartman], very much, on this subject. He could only agree with that hon. gentleman as to the haste with which the bill was pressed through the House at the close of last session.²⁴² [He] considered that all denominations had a right to apply for Separate Schools, but it was for the Legislature to consider on what grounds they based their application, and it should be borne in mind that there were not the same wide differences between Protestants, as between Protestants and Roman Catholics.²⁴³ The difference between Catholics and Protestant[s] was so great, that it would be oppressive to force the former to go to the schools of the latter. The difference between the Protestant sects was so little that it would be weakness to grant separate schools to them if they wanted it.²⁴⁴ As to the Roman Catholics, he did not think that the exercise of the Roman Catholic faith in this country at least had been productive of pernicious effects. He should vote against all the amendments, and against the original resolutions. Roman Catholics had objections to the use of the Bible in places where their children were taught, while Protestants mostly desired that. In these circumstances, he thought Separate Schools were a necessity.²⁴⁵ Had it not been [put] out of order, he would have supported the amendment of the hon. Post Master General.²⁴⁶

MR. STEVENSON said that the members for Lambton and North York, finding that no evils had arisen from the existing system, had erected a bugbear of their own, and spoken of the evils which might result. He regretted that a religious strife should be kept up, pitting one part of the community against another. The number of Separate Schools had been so few, that if they had produced any evil, it must have been very small, in comparison with the evils resulting from the agitation which had been stirred up against them.²⁴⁷ [He] went over the history of the common school system in Upper Canada, contending that the separate schools had always been part of the system.²⁴⁸ Before they proceeded to make a change, he thought hon. gentlemen should show the necessity existing for such a change. Now, he believed that no such necessity existed. On the contrary the system had been productive of the utmost benefit to the country.²⁴⁹ It was a very small thing to let the Catholics have their own schools supported by their money, but generally they had not desired to have separate schools. The largest number of separate schools existing in any one year from 1851, and at present there were only forty-four receiving £70 a year from the provincial funds. The Catholics had a great deal more than that for the present schools to which they did not go in his town. The separate school and one-fifth of the population — the Catholics — only received some £15. He thought the Upper Canadians ought not to be less liberal than the majority in Lower Canada who never objected to separate schools there.²⁵⁰

MR. PATRICK pointed out the difference between the school systems of Upper Canada and Lower Canada. The former was unsectarian, the latter decidedly sectarian, rendering Dissident Schools a necessity.²⁵¹ He had always voted for the old separate schools clauses, but now found it necessary as the Catholics were not satisfied to unite against aggression.²⁵² The Postmaster General spoke of our Common School system as being the pride and boast of our country, but he did not mention that the advocates of Separate Schools denounced it as infidel and godless. Separate Schools were in several respects placed on a better footing than Common Schools. Before municipalities got government aid for Common Schools they must raise an equal amount, but no such necessity was laid on Roman Catholics, in regard to their Separate Schools. The hon. member pointed out several other respects, in which Separate Schools were placed in an unfair position of advantage.²⁵³ The teachers in the common schools, too, had to be examined by a board, and the schools to be inspected in an authoritative manner. In all these respects, the separate schools were in a totally different position.²⁵⁴ [He] contended that it was on the head of the Roman Catholic Bishop of Toronto that the censures applied by the hon. member for Toronto, to [t]he hon. member for Lambton, should apply. It was the Bishop who sought to make political capital out of

this matter²⁵⁵ [and] who had threatened further punishment to those who would not vote to give him more privileges for separate schools.²⁵⁶ He did not think it necessary to defend the system of education in the Eastern States, attacked by the member for Lotbiniere (Mr. O'Farrell.) He thought the morality of those States would compare very favourably with the state of matters in Italy and other countries where the system admired by that hon. member had full sway. (Hear, hear.)²⁵⁷ He concluded by stating that he would vote for the amendment.²⁵⁸

MR. POWELL moved an adjournment of the debate. It was now midnight, and there may be persons yet who would be desirous of expressing their views on this measure.²⁵⁹

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Mr. *Powell* moved, seconded by Mr. *Daly*, and the Question being put, That this House do now adjourn; the House divided: — And it passed in the Negative.

MR. BROWN said he was much gratified by the amendment which had been submitted by the hon. member for L'Assomption (Mr. Papin.) He looked upon it as a harbinger of good, when such resolutions were submitted by a Lower Canada and Roman Catholic member. Such a fact might well teach a lesson to those Upper Canada members, who justified to their constituents [sic] votes given against the non-sectarian principle, by pleading that they were compelled to humour the Lower Canadians. (Hear, hear.) A more noble scheme than that offered by the hon. member could scarcely be presented to the House — that the National Schools of Upper and Lower Canada should be placed on a non-sectarian basis, and be made entirely free to the whole youth of the Province. It had been objected to the scheme, that it would throw a vast burden on the general revenue, because it was proposed to be maintained by the State. But he apprehended that the State could carry out its purposes either by general or local taxation. He apprehended that the hon. member meant that the scheme so long contended for by the member for Lincoln should be carried out, and that the public lands instead of being wasted and squandered away, as they had been, should be kept for the support of Common Schools, and that what was necessary in addition, should be taken partly from local taxation, and partly from the general revenue. He would support the hon. gentleman's resolutions, with much pleasure. If they were to remain a united people, it must be by some such principle as this being applied to all their institutions, and by their adopting, as rapidly as possible, a uniform system of legislation for both sections of the Province, and first of all in the matter of Common Schools. (Hear, hear.) Attempts had been made to meet his arguments, by urging that hitherto no great damage had resulted from the Sectarian provisions in the Common School Acts. If that were so, no thanks for it were due to hon. gentlemen opposite, who had made many attempts to drive in the Sectarian wedge to the extent of entirely ruining the School system of Upper Canada, and had only been deterred by the opposition brought against it. And the circumstance that the sectarian principle existed in the system, and would be extended on every possible occasion, was the cause of all the agitation throughout the country. And the fears entertained were too well founded. The matter would not stop where it was, and if they allowed the sectarian principle to remain at all, he was free to confess he could not see how they were to avoid going the full length claimed by the member for Toronto (Mr. Bowes.) If they admitted that the Roman Catholics were entitled to separate schools as a matter of right, how could they be denied the full privilege of carrying out the principle in the way they thought best? Then, if they granted the privilege to Roman Catholics, they must do so to other denominations; and, if they did that, and divided the schools among the different sects, the result would be utter ruin to our whole educational system. With regard to the amendment moved by the hon. member for Wolfe (Mr. Felton) it was evidently based upon the great fallacy, that the Roman Catholic minority in Upper Canada were in the same position as the Protestant minority in Lower Canada. There was one very simple answer to it — that the public schools of Lower Canada were essentially Roman Catholic schools, while those of Upper Canada were non-sectarian. If hon. gentlemen would read the reports of the Superintendent of Education for Lower Canada any year they asked they would find that even Dr. Meilleur complained of the sectarian system, and that in very many of the schools, the prayers and teaching of

the catechism, and religious exercises, occupied a large portion of the time in the schools. In Lower Canada, therefore, under the present system, it was absolutely necessary that there should be Separate Schools. A great capital was made out of the liberality of Lower Canadian Roman Catholics in allowing Separate Schools. Surely it was extremely liberal and generous, that they should allow some 20 Separate Schools, on condition of having all the other 3000 Sectarian. (Hear, hear.) If the systems in Upper and Lower Canada were the same, then the member for Wolfe's proposition would be the correct one. But they were quite different. In Upper Canada the aim was to place the schools on a basis fit for receiving the children of all denominations. But in Lower Canada there was no protection for the child of a different faith from that of the majority. No one had the right to go to a teacher in Lower Canada, and say "You shall not teach religion here." The Postmaster General said that not one reason had been given why the privileges should be taken away from the Roman Catholics which they had enjoyed since 1841. He (Mr. Brown) thought that many good reasons had been given, and he found one in the hon. gentleman's own admission that in principle at least he was against Sectarian Schools, for certainly what was wrong in principle could not be right in practice. (Hear, hear.) There was one argument which had not been touched upon, that ought to have weight with every hon. member — founded upon the constant attacks made upon the School system, and the constant debates and discussions in this House, to which those attacks gave rise. The only way in which they could banish discord from this House in connection with this subject, was by banishing the sectarian element from our national schools altogether. (Hear, hear.) The Postmaster General had said that hon. gentlemen on his (Mr. Brown's) side of the House had got up an agitation, and alluding to himself charged him with circulating petitions with printed headings all over the country, and that to this the agitation was due. The statement was altogether without foundation. So far as he was aware not a single petition had been sent out, and those which had poured into the House were the fruits of the voluntary action of the people. But they were so numerous and so largely signed, and so many public meetings on the question had been held simultaneously all over the country, that he was not very much surprised at the Postmaster General's imagining that they must have been the result of some concerted course of action. (Hear, hear.)²⁶⁰

MR. LORANGER wished to notice a particular remark made by the hon. member for Lambton, where he said that the conscience of Roman Catholic children were coerced in their schools.²⁶¹

MR. BROWN. — No, no.²⁶²

MR. LORANGER was happy to receive this denial. Then his statement was that they were free.²⁶³

MR. BROWN had said nothing either way about the conscience of the children.²⁶⁴

MR. LORANGER. — Then he was mistaken, and the hon. gentleman's only objection was to the prayers offered to the Virgin Mary. Now he supposed that the reason was the same in both their schools and in those of the hon. member for Lambton, that in the Roman Catholic Schools it was according to their creed to say these prayers, and in the Protestant it was accordant with their creed not to say them — perhaps not to say any prayers at all. Now the hon. member was perfectly free to omit either these or all other prayers, so long as he does not interfere with the system adopted by others. One thing was very obvious, that the member for Lambton was heart and soul against his own motion. He was sustaining with all his power, the system in which he did not believe.²⁶⁵

A member said this was not uncommon.²⁶⁶

[MR. LORANGER continued:] Well, he acknowledged it was not uncommon in that house for a member to sustain a system in which he did not believe. But he believed the hon. member would hardly intend to do so. Yet, here he was maintaining a "gratuitous" system of education by taxation. His was a new plan altogether. But the fact was, the hon. member had formed so many plans of political

economy, that he was now reduced to be the only supporter of his own plan. But the objection to these Sectarian Schools was, that the system was sectarian. What plan would the hon. member suggest? The Roman Catholic, of course. No, his was a universal plan. Or would he really maintain that they must not teach religious principles in their national schools. If he said this, he would give the lie to history, to antiquity, to the experience of all nations. He would defy the hon. member to point out the ages or the places where religion had not been made an element of education. — He would refer to ancient history, and ask if it is not so. Undoubtedly it was; and every nation of Europe had followed the example thus set them. Religious principle was everywhere made the companion of civil education. There was not a single example to the contrary. Yes there was one, and it was the school which the hon. member shadowed out for them. In America the principle was adopted in all its integrity, and maintained with the most strenuous earnestness. The Sectarian Schools there, were emphatically those of the State.²⁶⁷

MR. CHAPPAIS read an extract from an American paper, stating that common schools were places where the Catholics were ground into Protestants — under such circumstances he would vote for separate schools.²⁶⁸

MR. POWELL spoke briefly on the question.²⁶⁹ [He] was opposed to separate schools²⁷⁰, [but] he could not altogether approve, and could not vote for the Bill of the hon. member for Lambton. He had the advantage of not having heard the former part of the debate, and was not therefore in danger of being biased in his opinion. — His opinions were very decided upon the points.²⁷¹ [He] believed the State had no right to force Educational systems on the people, nor even make them pay for them. When the State did so, however, the most advantageous system should be adopted, and though the plan of the member for Lambton would do very well, ... at the same time he would not vote with the member for Lambton, because many people, especially the Catholics in Upper Canada, including many in his own county, were opposed to being forced to go to mixed schools.²⁷² He thought that no compulsion should be laid upon Roman Catholics to send their children to the Common Schools, nor should the Protestant public be taxed for the support of their Separate Schools. He would, however, give them for their schools the whole amount of their contributions, but nothing more. — In the city of Ottawa free schools, nine-tenths of the children were Roman Catholics. They were the poorest, and had, from their own number, the largest number of children. While, however, the proportion of the children was so large, the contributions of the Protestants formed three-fi[f]ths of the whole. Such, at least, had been formerly the case. In the last twelve months, there had been a change. The Trustees had altered the system, and now the Roman Catholics had to sustain their own schools. He was of opinion that the inconveniences of the present school system would die out, and the system would, if permitted to go on, work its own cure. He would say give the Roman Catholics all they ask in regard to the establishment of separate schools, but allow them no more than they contribute. He would be perfectly satisfied to let things remain as they are. He agreed in the principle of general education, but did not agree in the principle of supporting it by direct taxation.²⁷³

DR. SOUTHWICK would have voted for the resolution introduced by Mr. Brown, had that gentleman made it applicable to both sections of the Province.²⁷⁴ He had voted last yea[r] for the separate school Bill, and he had not since changed his opinions. The common school system carried out in Upper Canada was strictly a Protestant system,²⁷⁵ that of Lower Canada was Roman Catholic. While the Protestants of Lower Canada desired separate schools he could not refuse them to the Roman Catholics of Upper Canada.²⁷⁶ But he was quite aware of the religious differences which existed between Protestants and Catholics in allowing their people to judge for themselves without being influenced by religious preceptors [sic].²⁷⁷

MR. GAMBLE would have been glad if this question had not been brought up. As it was, however, he could not avoid the expression of his opinion.²⁷⁸ [He] had always entertained but one opinion. If we

desired to carry out a national system in its integrity it was necessary that there should be an end put to these separate schools, but yet for the sake of peace, he had made up his mind that if no action had been taken by the Roman Catholics in regard to it, that he (Mr. Gamble) would not have thought as he did, but the course pursued by Bishop Charbonnel had been such, that it became a matter of imperative necessity upon the part of those who desired to see a common school education extended to the whole masses of the people of this country, that they should stand up for their rights, and say at once that the continual concessions which have been made by former Governments to the Roman Catholics should now come to an end. He had declared from the outset, that if the question were brought before this House and it were requisite that he should give his vote against Separate Schools he would do so, and he intended to do it upon this occasion. Superior privil[e]ges had been obtained by the Catholics over the Protestants. If the former were allowed to have Separate Schools upon what principle could they deny them to the Church of England²⁷⁹ and other denominations²⁸⁰? This they had repeatedly done upon the Church of England petitioning for such Schools. And then Protestant teachers were strictly examined as to their being fit to instruct, but such was not the case with Catholic teachers. But there was another feature which was introduced into the Bill of last year, that was, Catholics were permitted to have for their teachers those who are not British subjects, while under the Protestant system they must be either British subjects or British born. And why should such a course be introduced? Was it not because that they should be allowed to introduce the Jesuits' throughout the country²⁸¹? Under such circumstances, he could no longer support separate schools.²⁸² He believed the separate school system would prove injurious to the national system in the rural districts. He could not vote, however, for the amendment of the member for L'Assomption, as he was not prepared to educate Lower Canada²⁸³ at the expense of Upper Canada. He was an advocate for Free Schools. But this ought not to be a relig[i]ous question. Why should any objections be made to let our children be educated together?²⁸⁴

MR. ROBINSON voted against the Bill of last year for amending the School Law, and he would vote the same now.²⁸⁵ [He] concurred in the opinion of the previous speaker relative to the effects of the separate schools in the rural districts²⁸⁶, [where] the demand for Separate Schools ... had increased. He was quite willing to leave the school system as it was, before the Act of last year passed. He regretted that anything had occurred to prevent the good working of the Common School system in Upper Canada. If it had been allowed to continue without being meddled with, they might have been able to apply it to Lower Canada.²⁸⁷ He feared that very evil results would flow from the system, and would therefore²⁸⁸ vote against the amendment of the hon. member for L'Assomption, and for the hon. member for Lambton's motion.²⁸⁹

MR. SICOTTE the SPEAKER then put the motion of the hon. member for L'Assomption (Mr. Papin)²⁹⁰.

(436)

And the Question being put on the Amendment to the proposed Amendment to the original Question; the House divided: and the names being called for, they were taken down, as follow:—

YEAS.

Messieurs Aikins, Bell, Brown, Christie, Charles Daoust, Antoine A. Dorion, Ferrie, Galt, Hartman, Jackson, Jobin, Lyon, Mackenzie, Papin, Patrick, Rolph, Sanborn, Supple, and Yeilding.
— (19.)

(436-437)

NAYS.

Messieurs Biggar, Bowes, Brodeur, Burton, Cameron, Cartier, Casault, Cauchon, Cayley, Chapais, Church, Conger, Cook, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Guévremont, Huot, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Roderick McDonald, McCann, Marchildon, Masson, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, Murney, Niles, O'Farrell, Polette,

Pouliot, Powell, Price, Rhodes, Robinson, Solicitor General Ross, James Ross, Scatcherd, Shaw, Solicitor General Smith, Southwick, Spence, Stevenson, Taché, Thibaudeau, Turcotte, Valois, and Wright. — (68.)

So it passed in the Negative.

Many hon. members cried out for "adjournment," amidst which²⁹¹ —

MR. POST. GEN. SPENCE rose and moved the following amendment, "That it is inexpedient to make any change in the existing common school laws of Upper Canada, so far as they relate to separate schools."²⁹²

(437)

And the Question being again proposed on the Amendment to the original Question;

The Honorable Mr. *Spence* moved in amendment to the said proposed Amendment, seconded by the Honorable Mr. Attorney General *Macdonald*, That the words "it is expedient to repeal all such Sections of the Common School Acts of *Upper Canada* as authorize the establishment or continuance of Separate Schools on less favorable conditions to the *Roman Catholic* population of *Upper Canada* than are now enjoyed by the Protestant population of *Lower Canada* under the Common School Acts of the latter Section of the Province, and to make such provision in reference to Separate Schools as will place the *Roman Catholic* minority of *Upper Canada* relatively to the Protestant majority, precisely in the position which the Protestant minority of *Lower Canada* now do or hereafter may hold in reference to the *Roman Catholic* majority" be left out, and the words "it is inexpedient to make any change in the existing Common School Laws of *Upper Canada*, so far as they relate to Separate Schools" inserted instead thereof;

MR. PAPIN had said that if his motion did not carry he would sustain the motion of the member for Richmond [Mr. Felton], which was to let the Roman Catholics of Upper Canada have the same privileges as the Protestants of Lower Canada. But²⁹³ the Postmaster General had [also] declared that the Catholics of Upper Canada should be placed upon the same footing as the Protestants of Lower Canada. They were not now in such a position, and he was surprised to find an amendment proposed which cut off the possibility of doing that which the mover declared it proper should be done.²⁹⁴

MR. COM. CR. LANDS CAUCHON answered Mr. Papin. He said the gentleman²⁹⁵ a moment ago ... was altogether a Protestant, and failing to carry his motion, he turned round and became intensely Roman Catholic. The fact was, his views were only calculated to raise a more bitter opposition still against the Upper Canada Catholics²⁹⁶ [and] to place members from Lower Canada in a false position. His attempt would be unsuccessful.²⁹⁷

MR. FERRES said as a Protestant from Lower Canada he would be quite willing to see the Protestants of Lower Canada placed upon the same footing as the Catholics of Upper Canada.²⁹⁸

Cries of adjourn, adjourn.²⁹⁹

MR. LORANGER preferred coming to a decision, and would not wish to adjourn the question, for if we adjourned now we would have to begin the discussion again. The Roman Catholics of Upper Canada were put in danger by the tactics of the member for L'Assomption, who would only put his fellow religionists in Upper Canada in a worse position than they were now.³⁰⁰

MR. POWELL was altogether in favor of the amendment proposed by the honorable Postmaster General, but he desired the debate to be adjourned.³⁰¹

MR. GALT said it was unfair to go into the question of the views of the Government upon the question at this late hour of the night.³⁰²

MR. AT. GEN. J.A. MACDONALD opposed the adjournment.³⁰³ Hours ago it was said the subject was fully exhausted and now they wanted to adjourn the discussion.³⁰⁴ The motion introduced by the Postmaster General was simply the converso [sic] of that of Mr. Brown. The session was drawing to a close, and it was important that ... [no other] night should be taken upon this question.³⁰⁵

MR. CAMERON said it was.³⁰⁶

MR. AT. GEN. J.A. MACDONALD said it was quite clear tha[t] the proposition of the Postmaster General was just the converse of the motion of the hon. member for Lambton, and when it was considered that it was approaching to the end of the session, and the paper was loaded with private business, and that this question cannot come up again till Monday next, and that the same necessity for an adjournment will be felt next Monday as to-night, they might as well dispose with this question now as at any other time. He did not think they could get a fuller House than they had to-night, and he hoped therefore that the hon. member for Sherbrook[e] would withdraw his motion and allow them to come to a vote upon the question.³⁰⁷

MR. CAMERON stated that he had an amendment to propose to the motion of the hon. member for Lambton. If it was the intention of the Government to press their amendment he would just ask them to withdraw it until the amendment he held in his hand might be put to the motion of the hon. member for Lambton, as it was simply an addition to that hon. gentleman's motion³⁰⁸, and it would then read in this way — ³⁰⁹

MR. POST. GEN. SPENCE (in a determined tone) said he could not consent to withdraw.³¹⁰

MR. CAMERON. — That being so he must proceed to discuss the question.³¹¹ He did not hold the same views as the hon. member for Lambton, for he (Mr. Cameron) thought that there ought to be a religious education going hand in hand with secular education. (Hear, hear.)³¹² He thought it perfectly consistent with a secular system that the bible should be read in the schools — that they should be opened and shut with prayer, and that one day in the week should be set apart for the instruction of the children by their own pastors.³¹³ He had always held that, and he thought that that was perfectly consistent with a national system, (hear, hear,) and could be satisfactorily carried on, and it was because of these views that he intended to move this amendment. It would read thus when added to the hon. member for Lambton's motion: "Resolved that it is expedient to repeal all such sections of the common school acts of Upper Canada as authorize the establishment or continuance of separate schools, and to place all the national common schools under one uniform system of superintendence and restriction, in which no violence shall be done to the religious feelings or opinions of any child, or the parent or guardian of any child, while provision shall be made for the religious instruction of the children educated in the school according to their respective creeds by one day's teaching in each week under the superintendence of the clergy of the religious denominations to which they respectively belong." It was his intention to extend that principle to Lower Canada as well as Upper.³¹⁴ He could not conceive that there could be any difficulty whatever in their agreeing upon such a system. It is for that reason he desired that this debate should be adjourned. (No, no.)³¹⁵

MR. SICOTTE the SPEAKER ... [decided] that the voice of the House was against adjournment.³¹⁶

[MR. CAMERON continued:] He thought an opportunity should be given to hon. gentlemen to consider this matter, as it was desirable that there should be religious instruction given in connexion with the secular instruction. He held at the same time that there should be one general system of education as far as that could be carried out, and if they could combine these two systems in one, they would be placing the education of the children upon a basis entirely satisfactory. He could not understand how it was that Roman Catholics are to be allowed to have their separate schools and that Protestants are

to be deprived of the same rights. If the members of the Roman Catholic Church in Upper Canada are entitled to have a certain portion of the public funds for the education of their children, why were not the members of his Church allowed the same privilege? Upon what possible principle was it that they should not be so? If they are why not grant the privilege? He would call the attention of Roman Catholic gentlemen opposite to the fact that the bill of last session, which came down from the Upper House, and was brought in by the hon. the Receiver General,³¹⁷ contained a provision that the Episcopalians should have a right to Separate Schools as well as the Roman Catholics in Upper Canada³¹⁸. How did it happen that these Roman Catholic gentlemen supporting the Government rejected that proposition?³¹⁹

DR. MASSON. — It was not the Government that offered that proposition.³²⁰

MR. CAMERON did not care who it was. Hon. gentlemen opposite carried that Bill through the House stripped of that provision.³²¹ Now why should the Church of England be placed in an unfair position? He would tell these Roman Catholic gentlemen that they would not submit to it. (Hear, hear. Sensation.) The French Canadian members of Canada had acted towards him and his friends always very liberally in religious matters, (hear, hear,) but if the Roman Catholics from Lower Canada were to give to the Roman Catholics of Upper Canada Separate Schools, then upon what principle can they deny them to the Church of England in Upper Canada?³²²

Cries from the ministerial benches of "No, no." "We do not." (Much sensation.)³²³

[MR. CAMERON continued:] He did not care how much hon. gentlemen from Lower Canada might call out and vociferate, but he knew what he was saying, and those hon. gentlemen should have the opportunity of testing their desire to do this injustice, because he (Mr. Cameron) would most certainly bring in a Resolution which would have the effect of determining the matter. Were the French gentlemen ready to join with the Church of England of Upper Canada and give them justice?³²⁴ If they are prepared to do so, let them say so at once.³²⁵

[Cries of] yes, yes. "What do you want?" &c.³²⁶

[MR. CAMERON continued:] He did not want any mistake to be made or to be under any misimpression. If Separate Schools were to be allowed in one section of the Province let them be in another. Hon. gentleman [sic] may say that they intend to do justice, but³²⁷ when he told these gentlemen he was ready to meet them, he was met by the Government resolution. What is that resolution? It is inexpedient to change the present system. Do not the Government say it is inexpedient to change the present system? Do not they say they will give to Roman Catholics what they deny to the Church of England?³²⁸

MR. AT. GEN. J.A. MACDONALD contradicted this, and said, his hon. friend was not aware that the Protestants can have Separate Schools if they choose.³²⁹

MR. CAMERON. — No; they cannot have Separate Schools. He would say that the Church of England cannot have Separate Schools. Did the Attorney General mean to tell him that the Protestants all stand upon an equal footing? Did the Attorney General mean to tell him that the doctrines of the Church of England, and of Presbyterians, and Baptists, and the Methodists, and Unitarians³³⁰ —

A voice, and Mormons³³¹ —

[MR. CAMERON:] — and all the other denominations are all alike? Surely, no. It may be that the Roman Catholics may fancy that we are all heretics alike³³², (hear, hear,) ³³³ but be that as it may, we all hold different views — and our views as members of the Church of England are just as wide apart from other Protestants as if we were Roman Catholics.³³⁴ (No, no, hear, hear, confusion.) He insisted

that they were. Did hon. members from Lower Canada mean to tell him that hon. gentlemen in that House who were Unitarians held the same doctrines that he (Mr. Cameron) did, as a member of the Church of England? Was there a Roman Catholic opposite who believed in Unitarianism? (Hear, hear.) No. Was there a single man among those hon. gentlemen opposite who did not believe in the doctrines of atonement, the resurrection and grace? They all believed them. (Hear, hear.) And were they going to look upon Protestants in Upper Canada as being all alike Protestants, with their different forms of Church Government, religious teaching, and doctrines? Although the French Roman Catholics were all united, the former were not.³³⁵ To put forward such propositions as that now submitted by Government, and at the same time telling him that (as a member of the Church of England) he had a right to establish separate schools, was just to tell him an absurdity.³³⁶ But he would say, let a system be introduced in which the funds appropriated and the taxes which shall be raised, are for the purpose of giving all one united education, and yet allow those of each denomination to be taught by their particular religious teacher, as a system which does exist and has been found to work in other countries, and why should it not in this? But if these sects could unite, and have the funds derived from the state equally applied, and the local taxation of both Catholics and Protestants put to the united purpose of the education of both, and that the Bible can be read in our schools, the school be opened with prayer³³⁷, and the doctrines of their respective churches taught³³⁸ — then upon what principle was it that such a system of things should not be tried, and why should it be asserted, that one denomination of Christians should have Separate Schools, and another not? We must either have no system of separate teaching, or all have the same rights. We could not have it given to A B and refused to C D. Why should a Roman Catholic apply his taxes for the education of his own people as he pleases, and a Protestant have to put his into the common fund? He desired to see a system in common prevail, and if there was a ground upon which they could all meet, let them try and meet upon that ground first. (Hear, hear.) But if Protestants were to be told, that that shall not be so, he (Mr. Cameron) in view of the course taken by the Postmaster General upon this occasion, would test how far by the vote of the House, the same liberality should be extended to one denomination that is given to another.³³⁹

MR. MURNEY moved to adjourn.³⁴⁰

MR. PAPIN said the hon. members for Toronto and Richmond wanted to improve the condition of the Catholics of Upper Canada, and to put them upon the same footing as the Presbyterians of Lower Canada. The Postmaster General wanted to defeat those propositions. Now he hoped that the two former hon. gentlemen would vote against the Postmaster General. (Adjourn, adjourn.)³⁴¹

MR. BOWES did not wish to change the school law of Upper Canada, but to relieve the Trustees of Separate Schools from the disabilities they labored under in carrying out the law, (laughter) and therefore it was quite consistent with him to vote for the amendment proposed by the Postmaster General. (Hear, hear, laughter.)³⁴²

MR. MACKENZIE said, hon. members might talk all night, but they could not change the vote which would have to be taken. (Hear, hear.) If they continued the debate he claimed three hours at least for himself. (Laughter — Question, question, adjourn. Confusion.)³⁴³

MR. SICOTTE the SPEAKER then put the question of adjournment³⁴⁴.

(437)

Mr. *Powell* moved, seconded by Mr. *Galt*, and the Question being put, That this House do now adjourn; the House divided: — And it passed in the Negative.

MR. GALT was desirous of having a uniform system for the whole Province; if the Upper Canadian system was the best let it be applied to Lower Canada, and vice versa.³⁴⁵ If the Church of Rome had the

right to have Separate Schools in Upper Canada, he did not see why it should be refused to others. Either the present Common School System must in a few years be entirely abandoned, or something equitable to all must be done.³⁴⁶ [He] objected that they should be compelled to go into this question at so late an hour.³⁴⁷ He would have wished to adjourn the debate, [a]nd it had been his intention to propose an amendment. The importance of the subject was so great that even if the Postmaster General's amendment was carried, others would be proposed, and ... [they] would sit up all night moving one amendment after another.³⁴⁸ He did hope that the Government would submit to an adjournment. It was his intention to have addressed the House upon this question, but he could not think of doing so at so late an hour.³⁴⁹

MR. POWELL then moved that the House do adjourn the debate over to Thursday and that it be made the first order of the day, for that day.³⁵⁰

MR. SICOTTE the SPEAKER put the motion³⁵¹.

(437)

And a Debate arising upon the Amendment to the proposed Amendment to the original Question;

Mr. *Powell* moved, seconded by Mr. *Rhodes*, and the Question being put, That the Debate be adjourned until Thursday next, and be then the first Order of the day; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins*, *Bell*, *Biggar*, *Brown*, *Bureau*, *Cameron*, *Christie*, *Charles Daoust*, *Antoine A. Dorion*, *Galt*, *Gamble*, *Hartman*, *Huot*, *Jackson*, *Jobin*, *Laberge*, *Roderick McDonald*, *Murney*, *Niles*, *Papin*, *Patrick*, *Pouliot*, *Powell*, *Rankin*, *Rhodes*, *Rolph*, *Sanborn*, *Scatcherd*, *Southwick*, *Valois*, and *Wright*. — (31.)

(437-438)

NAYS.

Messieurs *Bowes*, *Brodeur*, *Cartier*, *Casault*, *Cauchon*, *Cayley*, *Chapais*, *Church*, *Conger*, *Cook*, *Daly*, *Jean B. Daoust*, *Desaulniers*, *Dionne*, *Dostaler*, Attorney General *Drummond*, *Dufresne*, *Evanturel*, *Felton*, *Ferres*, *Ferrie*, *Thomas Fortier*, *Octave C. Fortier*, *Fournier*, *Gutèremont*, *Labelle*, *Laporte*, *Larwill*, *LeBoutillier*, *Lemieux*, *Loranger*, *Lumsden*, *Lyon*, *Macbeth*, Attorney General *Macdonald*, *Mackenzie*, *McCann*, *Marchildon*, *Masson*, *Matheson*, *Meagher*, *Joseph C. Morrison*, *Angus Morrison*, *O'Farrell*, *Polette*, *Price*, *Robinson*, Solicitor General *Ross*, *Shaw*, Solicitor General *Smith*, *Spence*, *Stevenson*, *Taché*, *Thibaudeau*, *Turcotte*, and *Yeilding*. — (56.)

So it passed in the Negative.

MR. MURNEY, amidst confusion, rose and said, that the members of the Admin[i]stration required some time to consider the propositions now before the chair. They were evidently in a fix, and as he was desirous of relieving them from all difficulty, he would ask again for an adjournment. He hoped that the Lower Canadian French members opposite would come forward and support the hon. member for Toronto's motion (Mr. Cameron) and go against that of the Postmaster General, and then where would the Ministry be? (Hear, hear.) He would move a general resolution that the House do now adjourn.³⁵²

(438)

Mr. *Murney* moved, seconded by Mr. *Rhodes*, and the Question being put, That this House do now adjourn; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins*, *Bell*, *Biggar*, *Brown*, *Bureau*, *Cameron*, *Christie*, *Charles Daoust*, *Antoine A. Dorion*, *Galt*, *Gamble*, *Hartman*, *Jackson*, *Laberge*, *Roderick McDonald*, *Murney*, *Niles*, *Papin*, *Pouliot*, *Powell*, *Rhodes*, *Rolph*, *Sanborn*, *Scatcherd*, *Southwick*, *Taché*, *Valois*, and *Wright*. — (28.)

NAYS.

Messieurs *Bowes*, *Brodeur*, *Cartier*, *Casault*, *Cauchon*, *Cayley*, *Chapais*, *Church*, *Conger*, *Cook*, *Daly*, *Jean B. Daoust*, *Desaulniers*, *Dionne*, *Dostaler*, Attorney General *Drummond*, *Dufresne*,

Evanturel, Felton, Ferres, Ferrie, Thomas Fortier, Octave C. Fortier, Fournier, Guévremont, Huot, Jobin, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Macbeth, Attorney General Macdonald, Mackenzie, McCann, Marchildon, Masson, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, O'Farrell, Patrick, Polette, Price, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Thibaudeau, Turcotte, and Yeilding. — (58.)

So it passed in the Negative.

MR. POWELL again moved an adjournment. He agreed exactly with the government upon the question, but hoped the government would sustain the motion for the adjournment.³⁵³

MR. LORANGER rose to a question of order. The motion for adjournment required to be followed by a substantive motion, which this motion had not been.³⁵⁴

MR. SICOTTE the SPEAKER said that the motion to adjourn was always in order.³⁵⁵

MR. CHAPPAIS wished to render his vote to-night, but would not be able to stay so late as the continuance of the debate would necessitate for him to deliver it.³⁵⁶

A division took place upon Mr. Powell's motion to adjourn³⁵⁷.

(438)

Mr. *Powell* moved, seconded by Mr. *Gamble*, and the Question being put, That the Debate be adjourned until Thursday next; and be then the first Order of the day; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Biggar, Brown, Bureau, Cameron, Christie, Antoine A. Dorion, Galt, Gamble, Hartman, Jackson, Jobin, Laberge, Roderick McDonald, Murney, Niles, Papin, Pouliot, Powell, Rhodes, Rolph, Sanborn, Scatcherd, Valois, and Wright. — (26.)*

(438-439)

NAYS.

Messieurs *Bowes, Brodeur, Cartier, Casault, Cauchon, Cayley, Chapais, Church, Conger, Cook, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Ferrie, Thomas Fortier, Octave C. Fortier, Fournier, Guévremont, Huot, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Macbeth, Attorney General Macdonald, Mackenzie, McCann, Marchildon, Masson, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, O'Farrell, Patrick, Polette, Price, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Taché, Thibaudeau, Turcotte, and Yeilding. — (58.)*

So it passed in the Negative.

MR. GAMBLE then said he hoped the Government would consent to allow the question to be adjourned. (No no.)³⁵⁸ [He] expressed his sentiments with great warmth upon this determination of the government to stifle the debate. He sustained the motions for adjournment, because he desired the country to understand that the Roman Catholic members would not allow to others what they claimed for themselves.³⁵⁹ Well, he hoped hon. gentlemen from Lower Canada would understand the position in which they were placed. If they voted for the amendment of the Postmaster General, it was just denying the same privileges to the members of the Church of England they claim for themselves. (No, no.) He meant to say that the Roman Catholics of Lower Canada forced upon Upper Canada one of the most unjust and iniquitous [sic] acts that ever was perpetrated. (Hear, hear.)³⁶⁰ He was sure the country would never sustain the government in it. He complained bitterly of their conduct on the present occasion.³⁶¹ The hon. gentleman here with considerable feeling, stated that he had opposed the Union, because he was convinced that Upper Canada would be subjected to Lower Canada, and now his fears and his predictions were realised. (Hear, hear.) He did not want to go on with this matter now. It was not time

to take a vote on so important a question and he hoped the Government would not press them to a division.³⁶²

MR. LORANGER denied the statements of the hon. gentleman that the French Catholics had refused to extend to Upper Canada the same privileges they claimed to themselves.³⁶³ It was, however, too late to discuss that question to-night.³⁶⁴

A Voice. — Why then do you not adjourn?³⁶⁵

MR. AIKINS, seconded by MR. HARTMAN, moved an adjournment.³⁶⁶

MR. LYON said that if anything would force him to vote for the motion of Mr. Spence it would be the speeches of the member[s] for South York [Mr. Gamble] and Toronto [Mr. Cameron].³⁶⁷ He was a member of the Church of England and as strong a supporter of that Church as any other person — as such he repudiated the sentiments put forth by hon. gentlemen here that the Roman Catholics deny the Church of England the same rights as they have. As a member of the Church of England he did not want to be separated [sic] from his Protestant brethren. He held that all Protestants should be united. They have no desire to be separated. The proposition to strike [the] clause in that Bill in reference to Protestants and colored did not emanate from the Roman Catholics of Lower Canada³⁶⁸, but from people of their own church. He was not himself disposed to carry out the system of separate schools, but neither was he disposed to put upon the shoulders of the Roman Catholics the burdens they were bound to bear on their own shoulders.³⁶⁹ He would not have spoken upon this occasion but for the speeches of hon. gentlemen who stand here as the champions of the Church to which he belonged.³⁷⁰

MR. CAMERON was quite sure that neither the member for South York nor himself desire, either in their religious principles or anything else, to take an example from the hon. member who had just sat down. He did not desire to [sic] any one thing to take an example from the hon. member for Russell. He (Mr. Cameron) had not said a single word in regard to the gentlemen from Lower Canada; on the contrary he expressed a very high opinion of the liberality they had always exhibited. It is not [for] the hon. member for Russell, for whose opinion he did not entertain the slightest respect regarding these matters, to say that he (Mr. Lyon,) as a good churchman, takes the proper view of this question. It was a matter of the utmost indifference to him (Mr. Cameron) what were the views of that hon. gentleman upon this, or upon any other measure. But he considered at the same time that this question of national schools was an important one.³⁷¹ He had never proposed any privilege for the Church of England which he was not disposed to grant, not only to the Roman Catholics, but to every other³⁷² denomination. On the contrary he was opposed to Separate Schools to the Church of England. His belief was that a large majority of the members of the Church of England were not desirous for the Separate School system being extended. But they are desirous of having a system of religious instruction in connexion with the Common School system, and which they feel would be an inestimable benefit to themselves and their children. He was sure these were the views of a large portion of the community. They are views which extend to all communions, and they would give to each denomination the same privileges as are enjoyed by another.³⁷³ There was already a large sum granted them by Parliament, and there would be still more from local taxation.³⁷⁴ He would like to know what system would be fairer to all parties, while at the same time it could not interfere with the ordinary teaching. It is quite clear that this system has worked well in other countries.³⁷⁵ The present system was not satisfactory. If the amendment proposed by the hon. Postmaster General prevailed, every Roman Catholic vote given for it would be an attempt to deprive others of privileges which they claimed for themselves. If the question was really to be tested upon its merits, the Government would not refuse to adjourn, in order to afford more time and better opportunity for its discussion. If not, he did not complain. He was content to go on, and sit till 6, or any other hour

of the morning³⁷⁶ if it was necessary. Still he could not help feeling that it was not the most proper time to discuss such a question.³⁷⁷

MR. POWELL congratulated the member for Russell on his appearance amongst them as a member of the church militant on earth. He did not expect much from the present agitation of the question, but it had elicited some new things, and amongst others, that of the character in which his hon. friend had appeared that evening.³⁷⁸

MR. LABERGE stated in French his opinions on the measure before the house.³⁷⁹ — There was another very influential church in Upper Canada besides the Roman Catholic church which desired to have schools of its own. When there is no State church there can be no dissenters, and he had always been offended at the term when applied to Protestants in Lower Canada. If the amendment of the Postmaster General were carried, it would have the effect of preventing all the denominations in Upper Canada from having the privileges granted to the Roman Catholics. It was, in his mind, extremely presumptuous in the friends of the Roman Catholics in Toronto to insist upon carrying the motion now before the House, at half past two o'clock in the morning. The motion would, of course, put aside the bill of the member for Toronto (Bowes,) which had for its object the modification of the Separate School Bill, and even in his view of the case he thought it was exceedingly improper to insist upon passing it before the bill had come up for discussion.³⁸⁰

At this point MR. MACKENZIE, who had till now steadily voted with the ministry against adjournment, rose, and said, his opinion was altered, as he already saw the Commissioners of Crown Lands and of Public Works, the Inspector General, and others of the Government, fast asleep. He found himself compelled, therefore, to move an adjournment of the debate.³⁸¹

The house divided on the question of adjournment³⁸².

(439)

Mr. *Aikins* moved, seconded by Mr. *Hartman*, and the Question being put, That this House do now adjourn; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins*, *Bell*, *Biggar*, *Brown*, *Bureau*, *Cameron*, *Christie*, *Charles Daoust*, *Antoine A. Dorion*, *Ferrie*, *Galt*, *Gamble*, *Hartman*, *Jackson*, *Laberge*, *Roderick McDonald*, *Murney*, *Papin*, *Patrick*, *Powell*, *Rhodes*, *Rolph*, *Sanborn*, *Scatcherd*, *Southwick*, *Valois*, and *Wright*. — (27.)

NAYS.

Messieurs *Bowes*, *Brodeur*, *Burton*, *Cartier*, *Casault*, *Cauchon*, *Cayley*, *Chapais*, *Church*, *Conger*, *Cook*, *Daly*, *Jean B. Daoust*, *Desaulniers*, *Dionne*, *Dostaler*, *Attorney General Drummond*, *Dufresne*, *Evanturel*, *Felton*, *Ferres*, *Thomas Fortier*, *Octave C. Fortier*, *Fournier*, *Gutvremont*, *Huot*, *Jobin*, *Labelle*, *Laporte*, *Larwill*, *LeBoutillier*, *Lemieux*, *Loranger*, *Lumsden*, *Lyon*, *Macbeth*, *Attorney General Macdonald*, *Mackenzie*, *McCann*, *Marchildon*, *Matheson*, *Meagher*, *Joseph C. Morrison*, *Angus Morrison*, *Polette*, *Price*, *Rankin*, *Robinson*, *Solicitor General Ross*, *Shaw*, *Solicitor General Smith*, *Spence*, *Stevenson*, *Taché*, *Thibaudeau*, and *Turcotte*. — (56.)

So it passed in the Negative.

MR. HARTMAN said that the way in which the hon. the Post Master General had put his amendment was a manifest attempt to get rid of the question altogether. What did he intend to do with the motion of the hon. member for Toronto? He was astonished that that hon. member appeared to take it so coolly. He observed upon the remark of the hon. member for Laprairie, that the people of Lower Canada did not attempt to force on their fellow-citizens of Upper Canada any conditions to which they would not submit themselves. He had observed that in no single instance was the majority of Upper

Canadian members in favour of the principles of the Separate School Bill, but against it; yet there was always a majority of the house in its support, and no less a proportion than five to one had voted in favour of a measure which the Upper Canadian members had repudiated. He hoped that Government would allow the adjournment, to give time to see the effect of the motion, and not cut off the last hope of those, amongst others, for whom he acted, in regard to the elevation and progress of Upper Canada. He then moved the adjournment³⁸³.

MR. GALT addressed the house briefly, urging the propriety of adjourning.³⁸⁴

MR. DUFRESNE. — The members for North York, and the member for Toronto (Cameron) had charged the Lower Canadians with forcing a bill down the throats of the Upper Canada members, but he believed that it was shaped out by a member of the Church of England and an Upper Canadian,³⁸⁵ not now a member of the house,³⁸⁶ (Mr. Langton) and of course they had very good reason to believe they were doing what the Upper Canadians desired.³⁸⁷

MR. BROWN observed that the particular clause in question was not among the amendments proposed by that gentleman.³⁸⁸

MR. DUFRESNE would not insist upon the correctness of the statement, but such had certainly been his impression. He was not willing to take on himself the responsibility, as a Lower Canadian, of imposing upon Upper Canada a Bill which took away rights which he himself claimed for Lower Canada. He would say if the bill, as it at present stands, did not confer equal rights, let it be amended.³⁸⁹ He had remarked that the member for South York [Mr. Gamble] was dissatisfied with the ministry, among whom he had many friends, and he begged to inform that hon. gentleman that if he was so ready to desert the ministry, he would take care how he supported another Coalition Ministry. He [Mr. Dufresne] would support one made up of his own friends, but would be cautious how he assented to sustain one of the nature he had indicated.³⁹⁰

MR. GAMBLE gave a history of the manner in which the Government had endeavoured to force through their Sectarian School Bill of last session, and read from the votes to convince the last speaker that it had been finally carried by a Lower Canadian against an Upper Canadian majority.³⁹¹ [He] had no desire to see the present ministry out of power, but he did not intend to support them in every possible measure, and it was well known that on the question before the House he did not go with them, and could not give them his support.³⁹²

MR. BUREAU ... [spoke] at some length in French, in reply to the Postmaster General³⁹³.

A division was taken on the question of the adjournment of the Debate³⁹⁴.

(439)

Mr. *Hartman* moved, seconded by Mr. *Gamble*, and the Question being put, That the Debate be adjourned until Thursday next; and be then the first Order of the day; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins*, *Bell*, *Biggar*, *Brown*, *Bureau*, *Cameron*, *Christie*, *Charles Daoust*, *Antoine A. Dorion*, *Ferrie*, *Galt*, *Gamble*, *Hartman*, *Jackson*, *Jobin*, *Laberge*, *Roderick McDonald*, *Mackenzie*, *Murney*, *Papin*, *Patrick*, *Pouliot*, *Powell*, *Rolph*, *Sanborn*, *Scatcherd*, *Southwick*, *Valois*, and *Wright*.
— (29.)

(439-440)

NAYS.

Messieurs *Bowes*, *Brodeur*, *Cartier*, *Casault*, *Cauchon*, *Cayley*, *Chapais*, *Church*, *Conger*, *Cook*, *Daly*, *Jean B. Daoust*, *Desaulniers*, *Dionne*, *Dostaler*, Attorney General *Drummond*, *Dufresne*,

Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gûtvremont, Huot, Labelle, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Macbeth, Attorney General Macdonald, McCann, Marchildon, Masson, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, O'Farrell, Polette, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Taché, Thibaudeau, and Turcotte. — (52.)

So it passed in the Negative.

After a few words from MR. MACKENZIE,³⁹⁵

MR. SCATCHERD moved that the House do now adjourn.³⁹⁶

MR. POWELL thought it was becoming a question of vital importance. It was now a quarter past three, and it was a serious drain on the vitality of hon. gentlemen to keep them up so late.³⁹⁷

(440)

Mr. *Scatcherd* moved, seconded by Mr. *Christie*, and the Question being put, That this House do now adjourn; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Brown, Bureau, Cameron, Christie, Charles Daoust, Ferrie, Gamble, Hartman, Jackson, Roderick McDonald, Mackenzie, Murney, Papin, Patrick, Rolph, Sanborn, Scatcherd, Valois, and Wright. — (21.)*

NAYS.

Messieurs *Bowes, Brodeur, Cartier, Casault, Cauchon, Cayley, Chapais, Church, Conger, Cook, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gûtvremont, Jobin, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, McCann, Marchildon, Masson, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, O'Farrell, Polette, Powell, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Taché, Thibaudeau, and Turcotte. — (53.)*

So it passed in the Negative.

MR. MURNEY said the Government might as well yield, as adjournment after adjournment would be moved. He moved that the Debate be adjourned till Thursday next, and that it be then the first order of the day.³⁹⁸

MR. AT. GEN. J.A. MACDONALD said it was Parliamentary [sic] practice for the minority to yield to the majority, after two or three votes were given.³⁹⁹

MR. MACKENZIE denied this, and quoted instances from the House of Commons and Congress, where the minority had saved themselves from being tyrannized over by the majority.⁴⁰⁰

MR. BROWN said there were several amendments yet to be proposed and discussed, and the amendment of the member for Toronto (Mr. Cameron) had not yet been discussed at all. He did not think this was a case, in which there was any precedent of a Government bringing down its force, to compel the close of a debate on a question, submitted not by the Government, but by an independent member.⁴⁰¹

MR. POWELL at some length controverted the argument founded on precedent of the Attorney General West.⁴⁰²

MR. AT. GEN. J.A. MACDONALD congratulated the hon. member on having recovered his vitality.⁴⁰³

MR. POWELL only wished it was as easy to restore vitality to the Government, of which the Attorney General was a member. (Laughter.)⁴⁰⁴

The motion for adjourning the debate was negatived⁴⁰⁵.

(440) Mr. Murney moved, seconded by Mr. Aikins, and the Question being put, That the Debate be adjourned until Thursday next, and be then the first Order of the day; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Aikins, Bell, Biggar, Brown, Bureau, Cameron, Christie, Charles Daoust, Ferrie, Galt, Gamble, Guéremont, Hartman, Jackson, Jobin, Laberge, Roderick McDonald, Mackenzie, Murney, Papin, Patrick, Rolph, Sanborn, Scatcherd, Southwick, Valois, and Wright. — (27.)

(440-441)

NAYS.

Messieurs Bowes, Brodeur, Burton, Cartier, Casault, Cauchon, Cayley, Chapais, Church, Conger, Cook, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Huot, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Macbeth, Attorney General Macdonald, McCann, Marchildon, Masson, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, O'Farrell, Polette, Powell, Rankin, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Taché, Thibaudeau, and Turcotte. — (55.)

So it passed in the Negative.

MR. MACKENZIE at a quarter from four, moved that the House adjourn for half an hour for refreshments. (Laughter.)⁴⁰⁶

MR. GALT congratulated the Ministry on the firmness and determination which the Government for one night at least had displayed. But he was willing to give them a still better opportunity for displaying these virtues. He would move that the Speaker do leave the chair till four o'clock⁴⁰⁷, as hon. members had the privilege of going out when they chose, while the Speaker had kept his seat from the commencement of the debate.⁴⁰⁸

MR. MACKENZIE supported the motion.⁴⁰⁹

MR. AT. GEN. DRUMMOND said while the Ministry had no idea of yielding to the demand of the minority to adjourn the debate, they would be sorry that the Speaker should be in any way inconvenienced. He had no objection then that the Speaker do leave the chair.⁴¹⁰

MR. SICOTTE the SPEAKER put the question whether he might vacate the chair⁴¹¹.

[MR. SOL. GEN. H. SMITH:] No, no — vote, vote.⁴¹²

(441) Mr. Galt moved, seconded by Mr. Aikins, and the Question being put, That Mr. Speaker do now leave the Chair; the House divided: — And it was resolved in the Affirmative.

At ten minutes past four o'clock MR. SICOTTE the SPEAKER took the chair.⁴¹³

MR. BROWN moved that the House do now adjourn. He said that during the recess an arrangement had been made with the Attorney General West, that the question should be stayed here, and that the motion of the hon. member for Toronto might be tested when the debate was resumed. (Order, order — question, question.)⁴¹⁴

MR. SICOTTE the SPEAKER said it seemed there had been some understanding between hon. gentlemen; it is proper this matter should be understood.⁴¹⁵

MR. AT. GEN. J.A. MACDONALD said he suggested to the hon. member for Sherbrooke that the question should be put upon the motion of the Postmaster General, and that after that the House should then adjourn. (No, no.)⁴¹⁶

MR. BROWN then moved that the House do now adjourn.⁴¹⁷

(441)

And Mr. Speaker having resumed the Chair;

Mr. *Brown* moved, seconded by Mr. *Galt*, and the Question being put, That this House do now adjourn; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Brown, Bureau, Cameron, Christie, Charles Daoust, Galt, Gamble, Hartman, Laberge, Roderick McDonald, Mackenzie, Murney, Papin, Patrick, Rolph, Sanborn, Scatcherd, Southwick, Valois, and Wright*. — (21.)

NAYS.

Messieurs *Bowes, Brodeur, Cartier, Casault, Cauchon, Cayley, Chapais, Conger, Cook, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Guévremont, Huot, Jobin, Labelle, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Macbeth, Attorney General Macdonald, McCann, Marchildon, Masson, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, O'Farrell, Polette, Pouliot, Powell, Rankin, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Taché, Thibaudeau, and Turcotte*. — (55.)

So it passed in the Negative.

MR. SCATCHERD moved that the Debate be adjourned till Thursday, and be then the first Order of the Day.⁴¹⁸

DR. MASSON. — Even if the Government should consent to an adjournment, we will not yield. I am as fresh as ever, and will sit for a month, if necessary.⁴¹⁹

(441)

Mr. *Scatcherd* moved, seconded by Mr. *Aikins*, and the Question being put, That the Debate be adjourned until Thursday next, and be then the first Order of the day; the House divided: and the names being called for, they were taken down, as follow: —

(441-442)

YEAS.

Messieurs *Aikins, Brown, Bureau, Cameron, Christie, Charles Daoust, Galt, Gamble, Hartman, Jobin, Laberge, Roderick McDonald, Mackenzie, Murney, Papin, Patrick, Powell, Rolph, Sanborn, Scatcherd, Southwick, Valois, and Wright*. — (23.)

(442)

NAYS.

Messieurs *Bowes, Brodeur, Burton, Cartier, Casault, Cauchon, Cayley, Chapais, Conger, Cook, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Guévremont, Huot, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Macbeth, Attorney General Macdonald, McCann, Marchildon, Masson, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, O'Farrell, Polette, Pouliot, Rankin, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Taché, Thibaudeau, and Turcotte*. — (54.)

So it passed in the Negative.

Here a good deal of noise and confusion ensued.⁴²⁰

MR. SICOTTE the SPEAKER rose and said he was quite willing to sit as long as his powers of endurance would enable him so to do, but he would not willingly remain to witness such disorderly scenes.⁴²¹

MR. GALT here rose ... and said, he was quite certain the views of Sir Jas. Graham and Lord John Russell upon such a subject were worthy their attention. He had intended to have said something himself upon the subject, but he found his own views so much more happily expressed in a speech of Sir James Graham's recently delivered in the House of Commons, that he would prefer giving his views in the language of Sir James Graham. (Cries of — Oh! — Vote, vote, vote.) He (Mr. Galt) did not mean to read all the debate. He would confine himself to the speech of Sir James Graham, as he found it here in the London *Times*. (Order, order.) This question, hon. gentlemen would admit, was of the utmost importance, and if they could get any information upon it from Sir James Graham's speech, it was their duty to receive it. The hon. member here lifted the file of the *Times* and commenced to read the speech.⁴²²

MR. FERRES ... said it would be more interesting if he would read the news from this morning's *Globe*.⁴²³

MR. FELTON rose to order.⁴²⁴

MR. SICOTTE the SPEAKER. — State your point of order.⁴²⁵

MR. FELTON. — When an hon. member gets up here professedly to read a speech from a newspaper, he believed it to be a marked breach of the rules of this House.⁴²⁶

MR. GALT said he thought he had heard the opinions of Sir Robert Peel read from that side of the House in support of certain measures, and he did not know that there was such difference between these two hon. gentlemen that he might read the opinion of the one and not the other.⁴²⁷

MR. SICOTTE the SPEAKER said, the hon. member for Richmond and Wolf[e] knows very welll [sic] that we have no rule in this House to prevent the reading of any papers, while the practice has invariably been in favour of it.⁴²⁸

MR. GALT said he did not desire to occupy the House, but at the same time he thought Sir James Graham's opinions were of more value than any remarks he (Mr. Galt) could make. He desired, therefore, to proceed — ⁴²⁹

MR. AT. GEN. DRUMMOND did not think that the Ministry [sic] should persist in preventing the House coming to a vote on this question. It was but a small minority of the House that were disposed to persist in such a course.⁴³⁰

MR. GALT said it was true, they were but a minority, but the minority had certain rights and duties to perform. He would, however, be guided entirely by the House. If they were not disposed to hear the speech of Sir James Graham, he would not force it upon them. (Order, order — Vote, vote — and a general confusion.)⁴³¹

MR. SICOTTE the SPEAKER said unless the House were disposed to be orderly he would certainly leave the chair.⁴³²

MR. GALT proceeded to read a considerable portion of Sir James Graham's speech, until stopped by a violent and uncontrollable fit of coughing on the part of a large number of the members.⁴³³

MR. SICOTTE the SPEAKER said that, if order was not preserved, he would be compelled to leave the chair. It would task his powers of endurance too much to preside over a disorderly House.⁴³⁴

MR. STEVENSON remarked that the hon. member, if permitted by the noise to read at all, might from a regard to his own comfort have sat down while reading, and then it would have been "Reading made easy." (Laughter.)⁴³⁵

MR. GALT then moved that the House do now adjourn⁴³⁶.

MR. BOWES moved that the debate be adjourned, and that it be the first order of the day this day six weeks.⁴³⁷

MR. SICOTTE the SPEAKER decided that this motion could not be received, while Mr. Galt's was still undisposed of.⁴³⁸

Mr. Galt's motion for adjournment was negatived⁴³⁹.

(442)

Mr. Galt moved, seconded by Mr. Aikins, and the Question being put, That this House do now adjourn; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Aikins, Brown, Bureau, Cameron, Christie, Charles Daoust, Galt, Gamble, Hartman, Jackson, Laberge, Roderick McDonald, Mackenzie, Murney, Papin, Patrick, Powell, Rolph, Sanborn, Scatcherd, Southwick, Valois, and Wright. — (23.)

NAYS.

Messieurs Bowes, Brodeur, Cartier, Casault, Cauchon, Cayley, Chapais, Conger, Cook, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Guévremont, Huot, Jobin, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Macbeth, Attorney General Macdonald, McCann, Marchildon, Masson, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, O'Farrell, Polette, Pouliot, Rankin, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Taché, Thibaudeau, and Turcotte. — (55.)

So it passed in the Negative.

MR. BOWES then moved that the debate be now adjourned and be the first order of ... [the day] for this day six weeks.⁴⁴⁰

MR. POWELL urged the hon. member to withdraw his motion — but in vain.⁴⁴¹

MR. GAMBLE moved that the Debate be adjourned, and be the first order of the day for Thursday.⁴⁴²

MR. SICOTTE the SPEAKER said the motion was not in order, that of Mr. Bowes being now before the chair.⁴⁴³

MR. A. DORION spoke at some length upon the general question, and concluded by moving an adjournment.⁴⁴⁴

MR. SICOTTE the SPEAKER ruled this motion also out of order.⁴⁴⁵

MR. HARTMAN moved to amend Mr. Bowes' motion, by substituting "Thursday next" for "this day six weeks."⁴⁴⁶

Mr. Hartman's amendment was negatived⁴⁴⁷.

(442) Mr. Bowes moved, seconded by Mr. Lyon, and the Question being proposed, That the Debate be adjourned until this day six weeks, and be then the first Order of the day;

Mr. Hartman moved in amendment to the Question, seconded by Mr. Gamble, That the words "this day six weeks" be left out, and the words "Thursday next" inserted instead thereof;

(443) And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Aikins, Brown, Bureau, Burton, Cameron, Christie, Charles Daoust, Galt, Gamble, Hartman, Jackson, Jobin, Laberge, Roderick McDonald, Mackenzie, Murney, Papin, Patrick, Powell, Rolph, Sanborn, Scatcherd, Valois, and Wright. — (24.)

NAYS.

Messieurs Bowes, Brodeur, Cartier, Casault, Cauchon, Cayley, Chapais, Conger, Cook, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Guévremont, Huot, Labelle, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Macbeth, Attorney General Macdonald, McCann, Marchildon, Masson, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, Polette, Pouliot, Rankin, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Taché, Thibaudeau, and Turcotte. — (52.)

So it passed in the Negative.

MR. POWELL then made another long speech⁴⁴⁸.

MR. MACKENZIE said the splendour of the hon. gentleman's eloquence — the powers of his wit, and the scintillations of his genius were strikingly manifest; but they had all been lost upon a sleeping and drowsy audience.⁴⁴⁹

MR. LABERGE moved to amend Mr. Bowes' motion by substituting "next Monday" for "this day six weeks."⁴⁵⁰

(443) And the Question being again proposed, That the Debate be adjourned until this day six weeks, and be then the first Order of the day;

Mr. Laberge moved in amendment to the Question, seconded by Mr. Galt, That the words "this day six weeks" be left out, and the words "Monday next" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Aikins, Brown, Bureau, Cameron, Christie, Charles Daoust, Galt, Gamble, Hartman, Jackson, Laberge, Roderick McDonald, Mackenzie, Matheson, Murney, Papin, Powell, Rolph, Sanborn, Scatcherd, Valois, and Wright. — (22.)

NAYS.

Messieurs Bowes, Brodeur, Burton, Cartier, Casault, Cauchon, Cayley, Conger, Cook, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Guévremont, Jobin, Labelle, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Macbeth, Attorney General Macdonald, McCann, Marchildon, Masson, Joseph C. Morrison, Angus Morrison, Polette, Pouliot, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Southwick, Spence, Stevenson, Taché, Thibaudeau, and Turcotte.

— (49.)

So it passed in the Negative.

DR. MASSON moved that the debate be adjourned till this day five weeks, and that it be then the first order of the day.⁴⁵¹

MR. BROWN urged the hon. member to shorten the time in order to give an opportunity for the question to come up before the close of the session.⁴⁵²

MESSRS. PAPIN and POWELL spoke at some length amidst cries of question — question⁴⁵³.

Dr. Masson's motion was put⁴⁵⁴.

(444)

And the Question being again proposed, That the Debate be adjourned until this day six weeks, and be then the first Order of the day;

Mr. *Masson* moved in amendment to the Question, seconded by Mr. *Turcotte*, That the word "six" be left out, and the word "five" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Brodeur, Cartier, Casault, Cauchon, Cayley, Chapais, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Guévremont, Huot, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Macbeth, Attorney General Macdonald, Roderick McDonald, McCann, Marchildon, Masson, Meagher, Joseph C. Morrison, Angus Morrison, O'Farrell, Polette, Pouliot, Rankin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Southwick, Spence, Taché, Thibaudeau, and Turcotte.* — (49.)

NAYS.

Messieurs *Aikins, Bowes, Brown, Bureau, Cameron, Christie, Conger, Cook, Charles Daoust, Antoine A. Dorion, Galt, Gamble, Hartman, Jackson, Jobin, Lumsden, Lyon, Mackenzie, Mattice, Murney, Papin, Patrick, Powell, Robinson, Rolph, Sanborn, Scatcherd, Valois, and Wright.* — (29.)⁴⁵⁵

So it was resolved in the Affirmative.

Then the Question, so amended, being put, That the Debate be adjourned until this day five weeks, and be then the first Order of the day; the House divided: and the names being called for, they were taken down as in the last preceding Division.

So it was resolved in the Affirmative.

Then, on motion of Mr. *Masson*, seconded by Mr. *Laporte*,
The House adjourned.⁴⁵⁶

Appendix

[MOTION FOR AN ADDRESS RE: POINTE PLATON WHARF.]

MR. EVANTUREL moved an Address to His Excellency for copies of the report of the hon. Malcolm Cameron, formerly Postmaster General, relative to the Wharf belonging to G. Joy, Esq., at Point[e] Platon.⁴⁵⁷

[The motion was] carried.⁴⁵⁸

[QUESTION AND ANSWER RE: CROWN LANDS IN OTTAWA.]

MR. POWELL enquired of the Ministry, whether it is the intention of the Government to reduce the price of Crown Lands in the County of Ottawa, to the same rates as are charged for such lands in the

County of Argenteuil and other localities, where lands are equ[a]lly as fertile and valuable as they are in the said County of Ottawa?⁴⁵⁹

MR. COM. CR. LANDS CAUCHON replied that it would be a matter for the consideration of the Government.⁴⁶⁰

[QUESTION AND ANSWER RE: CLERK OF THE PEACE FOR THREE RIVERS.]

MR. POLETTE enquired of the Ministry for what reason they appointed in the stead of the late Francois X. Turcotte, Esquire, Clerk of the Peace for the District of Three Rivers, Laurent A.A. Genest, Esquire, who having been called to the Montreal Bar, practised in Montreal for a few months only, was afterwards engaged as a Commission merchant in Montreal, and was at the time of his appointment acting as a Clerk in the Seigniorial Tenure Office, although there were Members of the Bar of Three Rivers perfectly competent to fill the situation?⁴⁶¹

MR. AT. GEN. DRUMMOND replied that the party who had been appointed was eminently qualified for the office. Of the two candidates, one was not qualified and the other was the son of the gentleman who presided over the Quarter Sessions.⁴⁶²

[QUESTION AND ANSWER RE: CHURCH OF ENGLAND.]

MR. CAMERON [enquired of the] Ministry, whether it is the intention of the Government to introduce during this Session, any Bill to enable the Members of the Church of England to meet in Synod, in accordance with the recommendations of the Imperial Government, contained in the despatch of the Secretary of State for the Colonies of the 15th February last?⁴⁶³

MR. AT. GEN. DRUMMOND stated that such was not the intention of the Government.⁴⁶⁴

[QUESTIONS AND ANSWERS RE: THE BEAUHARNOIS CANAL.]

MR. C. DAOUST ... [a] demandé au ministère si c'était son intention d'appropriier durant la présente session, une somme suffisante pour payer les réclamations pour dommages causés par la construction d'une chaussée à la tête du canal de Beauharnais⁴⁶⁵.

MR. COM. PUB. WORKS LEMIEUX a répondu dans l'affirmative.⁴⁶⁶

MR. C. DAOUST enquired of the Ministry whether it was their intention to resume and at what date the investigation already commenced into the damages caused by the construction of the dam at the head of the Beauharnois Canal and to determine the amount of indemnity to be granted to the persons who have suffered, and whether it is their intention to cause all the claims which may have been made by proprietors on the line of the Beauharnois Canal to be examined into and determined?⁴⁶⁷

MR. COM. PUB. WORKS LEMIEUX a répondu que c'était l'intention du gouvernement de faire continuer, aussitôt que les circonstances le permettraient, l'enquête déjà commencée⁴⁶⁸.

[QUESTION AND ANSWER RE: SETTLEMENT OF LANDS IN ST. FRANCIS.]

MR. FELTON enquired of the Ministry whether they have taken or propose to take any and what measures to put up for sale or otherwise to facilitate the settlement of the lands in the Townships of Marston, Ditton, Clinton and Auckland, in the District of St. Francis?⁴⁶⁹

MR. COM. CR. LANDS CAUCHON replied that such measures had been taken⁴⁷⁰ [OR] MR. AT. GEN. DRUMMOND said it was their intention to do so, as soon as possible.⁴⁷¹

[QUESTION AND ANSWER RE: DUTIES ON SPIRITUOUS LIQUORS.]

MR. FELTON [enquired] of the Ministry, whether it is the intention of the Government to increase the excise and customs duties on spirituous liquors manufactured in or imported into this Province, and if so, to what extent?⁴⁷²

MR. AT. GEN. DRUMMOND replied that the question had been answered during the recent debate on the Custom's [sic] Tariff.⁴⁷³

[QUESTION AND ANSWER RE: MURDER OF DENIS TIERNEY.]

MR. O'FARRELL inquired of the ministry whether the government has already taken or intends hereafter, and when, to take any, and what action upon the petition of certain inhabitants of the City of Ottawa, in relation to the murder of the late Denis Tiernay, at Nepean, in January last?⁴⁷⁴

MR. AT. GEN. J.A. MACDONALD said that warrants had been issued by the magistrates to arrest the persons charged with the offence, but the process had not been served, and the Government immediately gave instructions to the Sheriff to proceed at once to get out a new process from the magistrates, and use the whole force at his disposal for the purpose of arresting the offenders.⁴⁷⁵ The sheriff obeyed his instructions, and since then, that official received an intimation from some parties that the offenders intended surrendering themselves into the hands of justice⁴⁷⁶ for trial at the Assizes, which were to commence on the 13th inst. The Sheriff had been instructed, however, not to delay on that account any steps he was taking for their arrest.⁴⁷⁷

[QUESTION AND ANSWER RE: GIRLS SCHOOL AT CHAMBLY.]

MR. DARCHE enquired of the Ministry whether it was the intention of the Government to demand from the Rev. P.M. Mignault, Curé of Chambly, repayment of the sum of two hundred and fifty pounds currency, paid to and received by that gentleman on account of the grant voted in 1855, for aid to the Academy for girls at Chambly, which Academy has never existed?⁴⁷⁸

MR. AT. GEN. DRUMMOND was understood to reply that no money had ever been given by the Government to any institution, except such as were actually in existence.⁴⁷⁹

[QUESTION AND ANSWER RE: NORTH SHORE RAILWAY COMPANY.]

MR. HUOT enquired of the Ministry whether it was their intention to grant any reasonable aid to the North Shore Railway Company, in order to [aid] the construction of the said road, by giving it the Provincial guarantee, or in any other way whatsoever? (Hear, hear.)⁴⁸⁰

MR. COM. CR. LANDS CAUCHON replied that it was the intention of the Government to bring down a measure, asking for assistance for the construction of a Railroad from Lake Huron to Quebec, by giving lands along the route by which the railroad was to pass. (Loud cries of Hear, hear.)⁴⁸¹

DR. MASSON. — When?⁴⁸²

MR. COM. CR. LANDS CAUCHON. — During this session.⁴⁸³

[QUESTION AND ANSWER RE: SEIGNIORIAL TENURE.]

MR. BOURASSA inquired of the Ministry, whether it is their intention to appeal from the decision of the Seigniorial Court, in so far as it relates to the rate of the *rentes*, and if not, whether it is their intention to grant aid to those Censitaires whose *rente* exceeds the rate of two *sous* per arpent, stated by the Attorney General, in the legal propositions submitted by him in answer to the 13th and 14th questions proposed to the Seigniorial Court, to be the highest rate which the Seigniors could charge the Censitaires.⁴⁸⁴

MR. AT. GEN. DRUMMOND said Government had no intention to appeal from the decision of the Seigniorial Court. He must be guided by that decision rather than the opinion of the Attorney General respecting the right of Censitaires. They intended to carry out the law as it stood, and not bring in another further indemnity.⁴⁸⁵

[QUESTION AND ANSWER, AND DISCUSSION RE: ADMINISTRATION OF JUSTICE, LOWER CANADA.]

MR. FELTON inquired of the Ministry, whether they proposed to take any steps to enquire into and improve the internal management of the common Jails in Lower Canada?⁴⁸⁶

MR. AT. GEN. DRUMMOND replied that a committee had been already appointed, with this object, to examine one of the common jails. That committee had reported, and their report would guide the Government with respect to the other jails; which it was their intention to improve as soon as possible.⁴⁸⁷

MR. FELTON moved to refer the several presentments of the grand juries, respecting the state of the common jails in Lower Canada, to a committee of five members.⁴⁸⁸

[MR. AT. GEN. DRUMMOND] said they did not intend to order any further investigation into the Lower Canada Jails.⁴⁸⁹ [He] took occasion to remark that they had very few jails in Lower Canada. The jail of the Ottawa was a new one, and contained very few prisoners. As to the jail of Kamouraska, it was very bad and required to be rebuilt. They contemplated rebuilding this jail. Bad as it was, however, it had not caused a great deal of complaint, for there had been very little use for it. Since its erection, the entire number incarcerated, would not average three quarters of a man each year! (Laughter)! So that, in that jail, at least, [they] did not need a great deal of security.⁴⁹⁰ That at Sherbrooke would require to be rebuilt.⁴⁹¹ Then they came to the jail at Three Rivers, but no complaints existed with reference to it. The Montreal and Quebec jails were, in fact, the only ones complained of. And the principal embarrassment was a financial one.⁴⁹² In the former place the repairs and alterations were in progress⁴⁹³. In Quebec, he believed it would be necessary to build a new jail altogether, and this would require the imposition of a new tax on the Municipality.⁴⁹⁴

[QUESTION AND ANSWER RE: LUNATIC ASYLUM IN KINGSTON.]

MR. FERRIE, in absence of Mr. Frazer, enquired of the ministry whether it is the intention of the government to establish another Lunatic Asylum at Kingston, and if so, whether the plans for the same are completed or nearly so?⁴⁹⁵

MR. AT. GEN. J.A. MACDONALD said it was the intention of the government to have a wing or building in connection with the Penitentiary, for criminal lunatics.⁴⁹⁶ The plans for the new building were nearly completed.⁴⁹⁷

[QUESTION AND ANSWER RE: SETTLEMENT OF VACANT LANDS.]

MR. POULIOT enquired of Ministry whether it was their intention to bring down for the consideration of this House any proposition for the encouragement of the settlement of wild lands, and if so what was the nature of such proposition.⁴⁹⁸

MR. COM. CR. LANDS CAUCHON said Ministers would not bring in any measure to increase the settlement of wild lands, but would encourage each settlement as far as lay in their power.⁴⁹⁹

[QUESTION AND ANSWER RE: POSTMASTERS.]

MR. AIKINS enquired of the Ministry whether it is their intention to make any recompense to Postmasters, for the loss sustained by them by the abolition of postage on newspapers?⁵⁰⁰

MR. POST. GEN. SPENCE replied that it was not the intention of the Government to increase the allowance at present made to Postmasters.⁵⁰¹

[QUESTION AND ANSWER RE: UPPER CANADA ASSESSMENT ACT.]

MR. LUMSDEN inquired of the ministry whether it is their intention during the present session to alter the Upper Canada Assessment Act, so as to enable township municipalities to charge 5s. or a less sum per diem, in lieu of statute labor, instead of 2s. 6d. as at present?⁵⁰²

MR. AT. GEN. J.A. MACDONALD⁵⁰³ [OR] MR. AT. GEN. DRUMMOND said it was not the intention of the government to do so, but it was competent for the hon. member to bring in a Bill to make such alteration, and he believed that⁵⁰⁴ Mr. Chisholm had a notice on the paper for that purpose.⁵⁰⁵

[QUESTION AND ANSWER RE: LATE MUNICIPAL COUNCILS.]

In answer to an enquiry by MR. LORANGER,⁵⁰⁶

MR. AT. GEN. DRUMMOND stated it was not the intention of the Government to take any steps to provide for the payment of the clerks and the other officers employed by the former municipal councils.⁵⁰⁷

[COMMENTS RE: CLAIMS FOR DAMAGES CAUSED BY THE HAMILTON AND TORONTO RAILWAY COMPANY.]

MR. BOWES stated that he intended to have asked leave to introduce a Bill for the purpose of providing that indemnity be granted to certain parties who have been injured by the bridge which the Toronto and Hamilton Railway Company had thrown across the River Credit; but as the parties had failed to give notice in due time he could not bring in the Bill.⁵⁰⁸

[WITHDRAWN MOTION FOR AN ADDRESS RE: MUNICIPAL LOAN FUND.]

MR. J. DORION moved an Address to His Excellency the Governor General, praying him to cause the necessary measures to be adopted to compel the payment of the interest due by Municipalities upon moneys borrowed from the Consolidated Municipal Loan Fund, and thus prevent the possibility of seeing the public debt increased by a sum not exceeding \$4,000,000 by reason of the Municipalities failing to meet their engagements regularly.⁵⁰⁹

MR. AT. GEN. DRUMMOND said the motion was unnecessary, as the Government were taking such measures, and proceedings had already been instituted in certain cases.⁵¹⁰

The motion accordingly was allowed to drop.⁵¹¹

[WITHDRAWN MOTION FOR RESOLUTIONS RE: SEAT OF GOVERNMENT.]

DR. MASSON moved the following resolutions: — 1st. That the permanence of the Seat of Government ought to be a Ministerial measure. 2. That the Administration by declining to make it a Ministerial measure have ceased to enjoy the confidence of this House.⁵¹²

MR. AT. GEN. DRUMMOND said that these resolutions had now become *effete*.⁵¹³

MR. PAPIN thought, on the contrary, very *appropos* [sic].⁵¹⁴

MR. SICOTTE the SPEAKER ruled that they had been already discussed.⁵¹⁵

[WITHDRAWN ENQUIRY RE: ALLEGED MURDER OF WILLIAM BURDEN.]

The following item on the notice paper having been called;

"Mr. Alleyn — Enquiry of Ministry, if any and what steps have been taken to enquire into the alleged failure of justice in the case of Wm. Burden, stated to have been murdered on the 8th of January last, in the township of Nepean, and if not, whether any will be taken?"⁵¹⁶

It was suggested that the enquiry should be put by Mr. O'Farrell, in the absence of Mr. Alleyn.⁵¹⁷

MR. O'FARRELL said the question was unnecessary, as it turned out that the man had not been killed at all. (Laughter.)⁵¹⁸

[POSTPONED MOTION RE: LAKE HURON AND QUEBEC RAILWAY BILL.]

MR. COM. CR. LANDS CAUCHON moved for leave to introduce a Bill entitled "An Act to provide for and encourage the construction of a Railway from Lake Huron to Quebec." (Loud cries of hear, hear.)⁵¹⁹

MR. SICOTTE the SPEAKER said the title of the bill would show that it was a private bill, and as it had not been recommended⁵²⁰ by the Standing Committee on Standing Orders⁵²¹, it would not be introduced at present.⁵²²

The motion was accordingly allowed to stand.⁵²³

Footnotes

1. *Toronto Daily Leader*, 6 May 1856, reports that Mr. Mackenzie presented these petitions for representation by population later in the day, "with the leave of the House".
2. *Globe*, 3 May 1856, specifies that this petition, "signed by several hundreds", prayed for measures "to prevent the threatened immigration of a large body of Roman Catholic Irish from the United States into Canada." *Toronto Daily Leader*, 3 May 1856, and *Telegraph (Pilot)*, 3 May 1856, report very similar information.

3. *Globe*, 6 May 1856, reports that this Bill was introduced by "Sol.-Gen. Smith, in absence of Mr. Loranger". *Toronto Daily Leader*, 6 May 1856, also reports that the Bill was read a first time on the motion of Mr. H. Smith.
4. According to *Globe*, 6 May 1856, this Bill was introduced by "Mr. Powell, in absence of Mr. Burton".
5. *Toronto Daily Leader*, 6 May 1856.
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. *Globe*, 6 May 1856, specifies that this Address was moved by Mr. Brown, "in the absence of Mr. Foley".
10. *Globe*, 6 May 1856, specifies that this Address was moved by Mr. Aikins, "in the absence of Mr. Foley". *Toronto Daily Leader*, 6 May 1856, differs from this source and from the *Journals* and reports the motion was made by Mr. Foley.
11. *Globe*, 6 May 1856.
12. *Toronto Daily Leader*, 6 May 1856. This newspaper differs from the *Journals* and from *Globe*, 6 May 1856, and reports the Address was moved by Mr. J. Smith.
13. *Toronto Daily Leader*, 6 May 1856.
14. *Ibid.*
15. *Toronto Daily Leader*, 6 May 1856, differs from the *Journals* and reports that the second reading was ordered for Wednesday next.
16. *Toronto Daily Leader*, 6 May 1856.
17. *Ibid.*
18. *Globe*, 6 May 1856, reports that the Address was moved by "Mr. Casault, in absence of Mr. Terrill". *Toronto Daily Leader*, 6 May 1856, also reports the mover as Mr. Casault.
19. *Globe*, 6 May 1856, specifies that this Address was moved by Mr. A. Dorion, "in absence of Mr. J.B.E. Dorion". *Toronto Daily Leader*, 6 May 1856, differs from this source and from the *Journals* and reports the motion was made by Mr. J. Dorion.
20. *Globe*, 6 May 1856. *Toronto Daily Leader*, 6 May 1856, also reports that Mr. Daly introduced this Bill.
21. *Toronto Daily Leader*, 6 May 1856.
22. *Ibid.*
23. *Ibid.*
24. *Ibid.*
25. *Globe*, 6 May 1856, specifies that this Address was moved by Mr. Ferric, "in the absence of Mr. Frazer". *Toronto Daily Leader*, 6 May 1856, differs from this source and from the *Journals* and reports that Dr. Frazer made the motion.
26. *Toronto Daily Leader*, 6 May 1856, differs and reports the Address was moved by Mr. Holton.
27. *Toronto Daily Leader*, 6 May 1856, differs and reports the Address was moved by Mr. J. Dorion.
28. *Toronto Daily Leader*, 6 May 1856.
29. *Ibid.*
30. *Globe*, 6 May 1856.
31. *Ibid.*
32. *Globe*, 6 May 1856. *Western Planet*, 15 May 1856, reports that Mr. O'Farrell "rose in his place, indignation in his eye and bewilderment in his countenance, and (very like an overgrown school boy) complained to the Speaker that an honorable gentleman had, in an under tone, made use of unparliamentary expressions towards him." *Toronto Daily Leader*, 6 May 1856, describes the episode in the following manner: "Here Mr. O'Farrell — who had crossed the floor to the front of Mr. Powell's desk — called the attention of the Speaker to the fact that some remarks had been made by an hon. member of this House, and he (Mr. O'Farrell) wished them to be taken down. These statements were made by the hon. member as he was moving towards his own seat". The paper then reports that Mr. O'Farrell having regained his seat, he reiterated his demand that Mr. Powell's remarks be taken down.
33. *Toronto Daily Leader*, 6 May 1856.
34. *Globe*, 6 May 1856.
35. *Toronto Daily Leader*, 6 May 1856.
36. *Globe*, 6 May 1856.
37. *Ibid.*
38. *Toronto Daily Leader*, 6 May 1856, concurs with the information given in the *Journals*, whereas *Globe*, 6 May 1856, reports that both these Addresses were moved by Mr. Daly, "in absence of Mr. Chisholm".
39. Both *Globe*, 6 May 1856, and *Toronto Daily Leader*, 6 May 1856, report the date of the 31st December, 1855, which corrects the *Journals* mistake.
40. *Toronto Daily Leader*, 6 May 1856, concurs with the information given in the *Journals*, whereas *Globe*, 6 May 1856, reports that Mr. Ferric introduced this Bill, "in absence of Mr. Frazer".
41. *Toronto Daily Leader*, 6 May 1856. *Globe*, 6 May 1856, differs from this source and from the *Journals* and reports that this Bill was introduced by Mr. Daly, "in absence of Mr. Chisholm".

42. *Toronto Daily Leader*, 6 May 1856.
43. *Ibid.*
44. *Globe*, 6 May 1856.
45. *Toronto Daily Leader*, 6 May 1856.
46. *Toronto Daily Leader*, 6 May 1856. *Mackenzie's Weekly Message*, 9 May 1856, reports the text of this Bill. A commentary is reported in *Toronto Daily Leader*, 20 May 1856.
47. *Globe*, 6 May 1856.
48. *Hamilton Spectator Semi-Weekly*, 7 May 1856. This newspaper replicates the report of *Toronto Daily Leader*, 6 May 1856, which is partly illegible.
49. *Globe*, 6 May 1856.
50. *Toronto Daily Leader*, 6 May 1856.
51. *Globe*, 6 May 1856.
52. *Toronto Daily Leader*, 6 May 1856.
53. *Globe*, 6 May 1856.
54. *Hamilton Spectator Semi-Weekly*, 7 May 1856.
55. *Globe*, 6 May 1856.
56. *Hamilton Spectator Semi-Weekly*, 7 May 1856.
57. *Globe*, 6 May 1856.
58. *Hamilton Spectator Semi-Weekly*, 7 May 1856.
59. *Globe*, 6 May 1856.
60. *Hamilton Spectator Semi-Weekly*, 7 May 1856.
61. *Globe*, 6 May 1856. *Montreal Gazette*, 7 May 1856, concurs with the information reported in this source; however, *Toronto Daily Leader*, 6 May 1856, reports that Mr. Brown stated that "at this moment there was probably 100,000 children at school, who were receiving no regular education."
62. *Globe*, 6 May 1856.
63. *Globe*, 6 May 1856. *Montreal Gazette*, 7 May 1856, reports the same information as this newspaper, whereas *Toronto Daily Leader*, 6 May 1856, reports the figure of 150,000 children.
64. *Globe*, 6 May 1856.
65. *Toronto Daily Leader*, 6 May 1856.
66. *Globe*, 6 May 1856. *Toronto Daily Leader*, 6 May 1856, reports these figures in pounds sterling, as follows: "Instead of £240,000, they would require £1,250,000 to teach the same number of children that are now educated". *Montreal Gazette*, 7 May 1856, differs slightly and reports a figure of £1,200,000 for the latter amount.
67. *Globe*, 6 May 1856.
68. *Montreal Gazette*, 7 May 1856.
69. *Globe*, 6 May 1856.
70. *Toronto Daily Leader*, 7 May 1856.
71. *Globe*, 6 May 1856.
72. *Toronto Daily Leader*, 7 May 1856.
73. *Globe*, 6 May 1856.
74. *Ibid.*
75. *Ibid.*
76. *Montreal Gazette*, 7 May 1856.
77. *Globe*, 6 May 1856.
78. *Montreal Gazette*, 7 May 1856.
79. *Globe*, 6 May 1856.
80. *Montreal Gazette*, 7 May 1856.
81. *Globe*, 6 May 1856.
82. *Montreal Gazette*, 7 May 1856.
83. *Globe*, 6 May 1856.
84. *Montreal Gazette*, 7 May 1856.
85. *Globe*, 6 May 1856.
86. *Montreal Gazette*, 7 May 1856.
87. *Ibid.*
88. *Toronto Daily Leader*, 7 May 1856.
89. *Montreal Gazette*, 7 May 1856.
90. *Globe*, 6 May 1856.
91. *Montreal Gazette*, 7 May 1856.

92. *Globe*, 6 May 1856.
93. *Montreal Gazette*, 7 May 1856.
94. *Globe*, 6 May 1856.
95. *Montreal Gazette*, 7 May 1856.
96. *Globe*, 6 May 1856.
97. *Montreal Gazette*, 7 May 1856.
98. *Globe*, 6 May 1856.
99. *Ibid.*
100. *Ibid.*
101. *Ibid.*
102. *Montreal Gazette*, 7 May 1856.
103. *Ibid.*
104. *Globe*, 6 May 1856.
105. *Montreal Gazette*, 7 May 1856.
106. *Globe*, 6 May 1856. In a commentary, this newspaper points out that "Mr. Brown opened the debate at 5 p.m., and spoke till 6 o'clock".
107. *Toronto Daily Leader*, 6 May 1856.
108. *Globe*, 6 May 1856.
109. *Toronto Daily Leader*, 6 May 1856.
110. *Montreal Gazette*, 7 May 1856.
111. *Toronto Daily Leader*, 6 May 1856.
112. *Globe*, 6 May 1856.
113. *Toronto Daily Leader*, 6 May 1856.
114. *Montreal Gazette*, 7 May 1856.
115. *Hamilton Spectator Semi-Weekly*, 7 May 1856.
116. *Montreal Gazette*, 7 May 1856.
117. *Globe*, 6 May 1856.
118. *Montreal Gazette*, 7 May 1856.
119. *Toronto Daily Leader*, 6 May 1856.
120. *Montreal Gazette*, 7 May 1856.
121. *Globe*, 6 May 1856.
122. *Ibid.*
123. *Montreal Gazette*, 7 May 1856.
124. *Hamilton Spectator Semi-Weekly*, 7 May 1856.
125. *Globe*, 6 May 1856.
126. *Montreal Gazette*, 7 May 1856.
127. *Toronto Daily Leader*, 6 May 1856.
128. *Montreal Gazette*, 7 May 1856.
129. *Toronto Daily Leader*, 6 May 1856.
130. *Globe*, 6 May 1856.
131. *Montreal Gazette*, 7 May 1856.
132. *Toronto Daily Leader*, 6 May 1856.
133. *Montreal Gazette*, 7 May 1856.
134. *Globe*, 6 May 1856.
135. *Montreal Gazette*, 7 May 1856.
136. *Globe*, 6 May 1856.
137. *Montreal Gazette*, 7 May 1856.
138. *Globe*, 6 May 1856.
139. *Toronto Daily Leader*, 6 May 1856.
140. *Montreal Gazette*, 7 May 1856.
141. *Toronto Daily Leader*, 6 May 1856.
142. *Montreal Gazette*, 7 May 1856.
143. *Ibid.*
144. *Ibid.*
145. *Globe*, 6 May 1856.
146. *Montreal Gazette*, 7 May 1856.
147. *Hamilton Spectator Semi-Weekly*, 7 May 1856.

148. *Globe*, 6 May 1856.
149. *Montreal Gazette*, 7 May 1856.
150. *Globe*, 6 May 1856.
151. *Ibid.*
152. *Montreal Gazette*, 7 May 1856.
153. *Globe*, 6 May 1856.
154. *Hamilton Spectator Semi-Weekly*, 7 May 1856.
155. *Montreal Gazette*, 7 May 1856.
156. *Globe*, 6 May 1856.
157. *Montreal Gazette*, 7 May 1856.
158. *Globe*, 6 May 1856. As several newspapers report that Mr. Papin spoke in French, his speech was reconstituted by using the reports of *Le Pays*, 13 May 1856, and *L'Avenir*, 23 May 1856. The reports of *Globe*, 6 May 1856, *Toronto Daily Leader*, 6 May 1856, and *Montreal Gazette*, 7 May 1856, are all very similar to that of *Le Pays*; however, excerpts from the English papers were still used whenever they added to the French papers. *Globe*, 26 April 1856, reports a commentary in favour of Mr. Papin's amendment.
159. *Toronto Daily Leader*, 6 May 1856.
160. *Globe*, 6 May 1856.
161. *L'Avenir*, 23 May 1856.
162. *Le Pays*, 13 May 1856.
163. *L'Avenir*, 23 May 1856.
164. *Le Pays*, 13 May 1856. From this point on, this speech was reconstituted by adopting as a framework the sequence of statements reported in *Toronto Daily Leader*, 6 May 1856, *Globe*, 6 May 1856, and *Le Pays*, 13 May 1856, which differs from that reported in *L'Avenir*, 23 May 1856.
165. *L'Avenir*, 23 May 1856.
166. *Globe*, 6 May 1856.
167. *Ibid.*
168. *L'Avenir*, 23 May 1856.
169. *Le Pays*, 13 May 1856.
170. *L'Avenir*, 23 May 1856.
171. *Globe*, 6 May 1856.
172. *Ibid.*
173. *Ibid.*
174. *Montreal Gazette*, 7 May 1856.
175. *Ibid.*
176. *Ibid.*
177. *Toronto Daily Leader*, 6 May 1856.
178. *Globe*, 6 May 1856.
179. *Toronto Daily Leader*, 6 May 1856. According to *Montreal Gazette*, 7 May 1856, Mr. O'Farrell stated that "in one school district all the schools had been shut up, in expectation of the coming of Joe Miller."
180. *Montreal Gazette*, 7 May 1856.
181. *Globe*, 6 May 1856.
182. *Toronto Daily Leader*, 6 May 1856.
183. *Globe*, 6 May 1856.
184. *Montreal Gazette*, 7 May 1856.
185. *Globe*, 6 May 1856.
186. *Montreal Gazette*, 7 May 1856.
187. *Globe*, 6 May 1856.
188. *Montreal Gazette*, 7 May 1856.
189. *Globe*, 6 May 1856. *Montreal Gazette*, 7 May 1856, also reports that Mr. Sanborn "went over to a great extent in English the arguments of ... [Mr. Papin], which, had the latter spoken in English, he thought would have been unnecessary."
190. *Toronto Daily Leader*, 7 May 1856.
191. *Globe*, 6 May 1856.
192. *Toronto Daily Leader*, 7 May 1856.
193. *Globe*, 6 May 1856.
194. *Toronto Daily Leader*, 7 May 1856.
195. *Globe*, 6 May 1856.
196. *Toronto Daily Leader*, 7 May 1856.

197. *Toronto Daily Leader*, 7 May 1856.
198. *Ibid.*
199. *Globe*, 6 May 1856.
200. *Toronto Daily Leader*, 7 May 1856.
201. *Montreal Gazette*, 7 May 1856.
202. *Toronto Daily Leader*, 7 May 1856.
203. *Globe*, 6 May 1856.
204. *Toronto Daily Leader*, 7 May 1856.
205. *Ibid.*
206. *Ibid.*
207. *Globe*, 6 May 1856.
208. *Toronto Daily Leader*, 7 May 1856.
209. *Globe*, 6 May 1856.
210. *Ibid.*
211. *Toronto Daily Leader*, 7 May 1856.
212. *Globe*, 6 May 1856.
213. *Toronto Daily Leader*, 7 May 1856.
214. *Globe*, 6 May 1856.
215. *Toronto Daily Leader*, 7 May 1856.
216. *Globe*, 6 May 1856.
217. *Montreal Gazette*, 7 May 1856.
218. *Globe*, 6 May 1856.
219. *Toronto Daily Leader*, 7 May 1856.
220. *Globe*, 6 May 1856.
221. *Toronto Daily Leader*, 7 May 1856.
222. *Globe*, 6 May 1856.
223. *Montreal Gazette*, 7 May 1856.
224. *Globe*, 6 May 1856.
225. *Toronto Daily Leader*, 7 May 1856.
226. *Montreal Gazette*, 7 May 1856.
227. *Hamilton Spectator Semi-Weekly*, 7 May 1856.
228. *Globe*, 6 May 1856.
229. *Toronto Daily Leader*, 7 May 1856.
230. *Montreal Gazette*, 7 May 1856.
231. *Ibid.*
232. *Toronto Daily Leader*, 7 May 1856.
233. *Globe*, 6 May 1856.
234. *Montreal Gazette*, 7 May 1856.
235. *Toronto Daily Leader*, 7 May 1856.
236. *Montreal Gazette*, 7 May 1856.
237. *Globe*, 6 May 1856.
238. *Toronto Daily Leader*, 7 May 1856.
239. *Montreal Gazette*, 7 May 1856.
240. *Toronto Daily Leader*, 7 May 1856.
241. *Globe*, 6 May 1856.
242. *Toronto Daily Leader*, 7 May 1856.
243. *Globe*, 6 May 1856.
244. *Montreal Gazette*, 7 May 1856.
245. *Globe*, 6 May 1856.
246. *Toronto Daily Leader*, 7 May 1856.
247. *Globe*, 6 May 1856. *Hamilton Spectator Semi-Weekly*, 7 May 1856, specifies that Mr. Stevenson "spoke at some length in favour of the existing system".
248. *Montreal Gazette*, 7 May 1856.
249. *Toronto Daily Leader*, 7 May 1856.
250. *Montreal Gazette*, 7 May 1856.
251. *Globe*, 6 May 1856.
252. *Montreal Gazette*, 7 May 1856.

253. *Globe*, 6 May 1856.
254. *Montreal Gazette*, 7 May 1856.
255. *Toronto Daily Leader*, 7 May 1856.
256. *Montreal Gazette*, 7 May 1856.
257. *Globe*, 6 May 1856.
258. *Toronto Daily Leader*, 7 May 1856.
259. *Globe*, 6 May 1856.
260. *Globe*, 7 May 1856. Because Mr. Brown's speech was not reported in *Globe*, 6 May 1856, it is impossible to ascertain whether this member spoke before or after Mr. Powell's motion for adjournment. However, it is clear from *Globe*, 6 May 1856, that the exchange between Messrs. Brown and Loranger occurred after the motion of adjournment.
261. *Globe*, 6 May 1856.
262. *Ibid.*
263. *Ibid.*
264. *Ibid.*
265. *Ibid.*
266. *Ibid.*
267. *Ibid.*
268. *Montreal Gazette*, 7 May 1856.
269. *Globe*, 6 May 1856.
270. *Toronto Daily Leader*, 7 May 1856.
271. *Globe*, 6 May 1856.
272. *Montreal Gazette*, 7 May 1856.
273. *Globe*, 6 May 1856.
274. *Toronto Daily Leader*, 7 May 1856.
275. *Globe*, 6 May 1856.
276. *Hamilton Spectator Semi-Weekly*, 7 May 1856.
277. *Globe*, 6 May 1856.
278. *Toronto Daily Leader*, 7 May 1856.
279. *Globe*, 6 May 1856.
280. *Hamilton Spectator Semi-Weekly*, 7 May 1856.
281. *Globe*, 6 May 1856.
282. *Hamilton Spectator Semi-Weekly*, 7 May 1856.
283. *Toronto Daily Leader*, 7 May 1856.
284. *Globe*, 6 May 1856.
285. *Ibid.*
286. *Toronto Daily Leader*, 7 May 1856.
287. *Globe*, 6 May 1856.
288. *Toronto Daily Leader*, 7 May 1856.
289. *Globe*, 6 May 1856.
290. *Ibid.*
291. *Globe*, 7 May 1856.
292. *Globe*, 7 May 1856. In a commentary, *Globe*, 6 May 1856, remarks that for this motion "it was understood that immediately after the vote [on Mr. Papin's amendment], other amendments would be moved by Mr. Conger, Mr. Cameron and Mr. Galt, and the Government resorted to a dodge to shut them off."
293. *Hamilton Spectator Semi-Weekly*, 10 May 1856. *Globe*, 7 May 1856, specifies that Mr. Papin spoke in French.
294. *Toronto Daily Leader*, 7 May 1856.
295. *Toronto Daily Leader*, 7 May 1856. *Globe*, 7 May 1856, specifies that Mr. Cauchon spoke in French.
296. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
297. *Toronto Daily Leader*, 7 May 1856.
298. *Ibid.*
299. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
300. *Hamilton Spectator Semi-Weekly*, 10 May 1856. In a report which appears to translate a commentary originally reported in the *Mirror*, *Le Pays*, 29 May 1856, differs from the *Hamilton Spectator Semi-Weekly* and reports that Mr. Loranger referred to the member for Wolfe, Mr. Felton. It states: "M. Loranger déclarait, à 9 heures, qu'il voterait pour la motion de M. Felton, parce qu'elle était basée sur les droits égaux pour toutes les classes; ... et à 2 heures de la même nuit, nous vîmes M. Loranger se lever et déclarer qu'il ne supporterait pas la motion de M. Felton, parce que, assurément! elle détruirait le but des catholiques du Haut-Canada — c'est-à-dire, que si une résolution était enregistrée dans le livre des statuts

déclarant que les catholiques et les protestants avaient des *droits égaux* dans les deux parties de la province, cela placerait les irlandais catholiques du Haut-Canada dans une position pire qu'auparavant!" However, it contradicts itself in the following segment from which it appears that Mr. Loranger referred to the member for Lambton, Mr. Brown: "Il préfère en venir à une décision et s'opposera à l'ajournement. Il supportera l'amendement de M. Spence, parce que les catholiques romains du Haut-Canada sont mis en danger par la tactique du membre pour Lambton, qui ne mettrait ses co-religionnaires du Haut-Canada que dans une position pire que celle qu'ils occupent à présent."

301. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
302. *Toronto Daily Leader*, 7 May 1856.
303. *Ibid.*
304. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
305. *Toronto Daily Leader*, 7 May 1856.
306. *Ibid.*
307. *Ibid.*
308. *Toronto Daily Leader*, 7 May 1856. *Globe*, 7 May 1856, specifies that Mr. Cameron rose "among other hon. gentlemen" and that it was then "past one o'clock".
309. *Globe*, 7 May 1856.
310. *Ibid.*
311. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
312. *Globe*, 7 May 1856.
313. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
314. *Globe*, 7 May 1856.
315. *Toronto Daily Leader*, 7 May 1856.
316. *Globe*, 7 May 1856.
317. *Toronto Daily Leader*, 7 May 1856.
318. *Globe*, 7 May 1856.
319. *Toronto Daily Leader*, 7 May 1856.
320. *Ibid.*
321. *Toronto Daily Leader*, 7 May 1856. *Globe*, 7 May 1856, differs from this account and reports that Mr. Cameron stated: "But that measure was thrown out by the government. (No, no.) The member for Soulanges said 'no.' He (Mr. C.) did not care who did it; it was the fact."
322. *Globe*, 7 May 1856.
323. *Ibid.*
324. *Ibid.*
325. *Toronto Daily Leader*, 7 May 1856.
326. *Globe*, 7 May 1856.
327. *Ibid.*
328. *Toronto Daily Leader*, 7 May 1856. In a commentary, *Western Planet*, 12 May 1856, reports the following information regarding this part of Mr. Cameron's speech: "Beginning by a flattering appeal to the French Canadian members of the House on their liberality towards the members of other Churches, he demanded whether they would require for their own purposes a privilege which they would not yield to other Churches, as for instance to the members of the church of England. This appeal was met by a loud reply of no! no! no! on the part of the Lower Canadians. 'No,' said Mr. Cameron, 'then why do you do it? Here you have last Session passed a law which gives to Catholics, only, of all sects of Christians, the right to separate from the Common Schools and to have schools of their own supported by public authority; and now when the Postmaster-General comes forward to say that this system shall be continued — that my measure of justice shall not pass, you are about to support that gentleman's proposition.' I need not say that the late noisy demonstrations were instantly quelled by this turn of the learned gentleman's discourse."
329. *Globe*, 7 May 1856.
330. *Toronto Daily Leader*, 7 May 1856.
331. *Ibid.*
332. *Ibid.*
333. *Globe*, 7 May 1856.
334. *Toronto Daily Leader*, 7 May 1856.
335. *Globe*, 7 May 1856.
336. *Toronto Daily Leader*, 7 May 1856.
337. *Globe*, 7 May 1856.
338. *Toronto Daily Leader*, 7 May 1856.
339. *Globe*, 7 May 1856.

340. *Globe*, 7 May 1856. According to the *Journals*, this motion was put by Mr. Powell.
341. *Globe*, 7 May 1856.
342. *Globe*, 7 May 1856. This newspaper specifies that "it was now half-past one o'clock".
343. *Globe*, 7 May 1856.
344. *Ibid.*
345. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
346. *Globe*, 7 May 1856.
347. *Toronto Daily Leader*, 7 May 1856.
348. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
349. *Toronto Daily Leader*, 7 May 1856.
350. *Globe*, 7 May 1856.
351. *Ibid.*
352. *Ibid.*
353. *Ibid.*
354. *Ibid.*
355. *Ibid.*
356. *Ibid.*
357. *Globe*, 7 May 1856. *Toronto Daily Leader*, 7 May 1856, does not report this motion by Mr. Powell, but states that "the motion to adjourn the debate, and the motion simply to adjourn were then put alternately several times, and always negatived."
358. *Toronto Daily Leader*, 7 May 1856.
359. *Globe*, 7 May 1856.
360. *Toronto Daily Leader*, 7 May 1856.
361. *Globe*, 7 May 1856.
362. *Toronto Daily Leader*, 7 May 1856.
363. *Ibid.*
364. *Globe*, 7 May 1856.
365. *Ibid.*
366. *Ibid.*
367. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
368. *Toronto Daily Leader*, 7 May 1856.
369. *Globe*, 7 May 1856.
370. *Toronto Daily Leader*, 7 May 1856.
371. *Ibid.*
372. *Globe*, 7 May 1856.
373. *Toronto Daily Leader*, 7 May 1856.
374. *Globe*, 7 May 1856.
375. *Toronto Daily Leader*, 7 May 1856.
376. *Globe*, 7 May 1856.
377. *Toronto Daily Leader*, 7 May 1856.
378. *Globe*, 7 May 1856.
379. *Ibid.*
380. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
381. *Globe*, 7 May 1856. The *Journals* do not report a motion of adjournment by Mr. Mackenzie, but rather a motion by Mr. Aikins, also reported in *Globe*, 7 May 1856, (see page 1815), which Mr. Mackenzie opposed. It is possible that Mr. Mackenzie's speech was simply misplaced in this report, as he did in fact start voting in favour of adjournment at the following division.
Toronto Daily Leader, 7 May 1856, differs from all other sources and reports that "Mr. Powell again moved the adjournment, and at half past two the question was put and lost."
382. *Globe*, 7 May 1856.
383. *Ibid.*
384. *Ibid.*
385. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
386. *Globe*, 7 May 1856.
387. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
388. *Globe*, 7 May 1856.
389. *Ibid.*

390. *Hamilton Spectator Semi-Weekly*, 10 May 1856. *Globe*, 7 May 1856, reports a statement which may help clarify the account of the *Hamilton Spectator Semi-Weekly*. It is as follows: "He [Mr. Dufresne] need not now give his reasons for supporting the present Coalition Ministry. But he would never support another. He would do his best to have next time a Government of his own party."
391. *Globe*, 7 May 1856.
392. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
393. *Globe*, 7 May 1856.
394. *Globe*, 7 May 1856. This newspaper specifies that the House divided on this motion "at 10 minutes past three".
395. *Globe*, 7 May 1856.
396. *Ibid.*
397. *Ibid.*
398. *Ibid.*
399. *Ibid.*
400. *Ibid.*
401. *Ibid.*
402. *Ibid.*
403. *Ibid.*
404. *Ibid.*
405. *Ibid.*
406. *Ibid.*
407. *Ibid.*
408. *Toronto Daily Leader*, 7 May 1856.
409. *Ibid.*
410. *Ibid.*
411. *Ibid.*
412. *Ibid.*
413. *Ibid.*
414. *Ibid.*
415. *Ibid.*
416. *Ibid.*
417. *Toronto Daily Leader*, 7 May 1856. *Globe*, 7 May 1856, summarizes this discussion in the following way: "When the House resumed, some discussion took place on a proposition by Attorney General Macdonald, that a vote should be taken on Mr. Spence's amendment, and that the House should then adjourn. As it was not clearly understood, what might be the effect of the arrang[e]ment, it was not acceded to."
418. *Globe*, 7 May 1856.
419. *Ibid.*
420. *Toronto Daily Leader*, 7 May 1856. This newspaper adds the following information: "Some hon. gentlemen were bawling out — question; others were fast asleep. The members of the Opposition were busy writing motions of adjournment. The Crown Lands Commissioner [Mr. Cauchon] — with his hands in his trouser's pockets, up to the elbows, was pacing the floor in front of the ministerial benches. The hon. member for Frontenac [Mr. H. Smith], was at evrey [sic] lull, bawling out with stentorian voice, and not very pleasing modulation — oh, vote, vote. The hon. member for Carl[e]ton [Mr. Powell], in a peculiarly engaging manner was endeavoring to edify the House with his ethereal effusions".
421. *Toronto Daily Leader*, 7 May 1856.
422. *Toronto Daily Leader*, 7 May 1856. This newspaper adds that Mr. Galt rose, "calm as a molluse [sic]".
423. *Globe*, 7 May 1856.
424. *Toronto Daily Leader*, 7 May 1856.
425. *Ibid.*
426. *Ibid.*
427. *Ibid.*
428. *Ibid.*
429. *Ibid.*
430. *Ibid.*
431. *Ibid.*
432. *Ibid.*
433. *Globe*, 7 May 1856. *Toronto Daily Leader*, 7 May 1856, also reports that "Mr. Galt then proceeded to read the speech but such a noise ensued that he stopped suddenly short".
434. *Globe*, 7 May 1856.

435. *Globe*, 7 May 1856.
436. *Ibid.*
437. *Ibid.*
438. *Ibid.*
439. *Globe*, 7 May 1856. *Toronto Daily Leader*, 7 May 1856, reports that "at twenty minutes to five o'clock the motion was put and lost."
440. *Toronto Daily Leader*, 7 May 1856.
441. *Ibid.*
442. *Globe*, 7 May 1856.
443. *Ibid.*
444. *Toronto Daily Leader*, 7 May 1856.
445. *Globe*, 7 May 1856.
446. *Ibid.*
447. *Globe*, 7 May 1856. *Toronto Daily Leader*, 7 May 1856, specifies that "at 5 o'clock the motion was put and lost."
448. *Toronto Daily Leader*, 7 May 1856. According to *Globe*, 7 May 1856, Mr. Powell also moved "that the House do now adjourn", which motion is not reported in the *Journals*.
449. *Toronto Daily Leader*, 7 May 1856.
450. *Globe*, 7 May 1856.
451. *Toronto Daily Leader*, 7 May 1856.
452. *Ibid.*
453. *Ibid.*
454. *Toronto Daily Leader*, 7 May 1856. This newspaper specifies that the motion was put "at 3 minutes to 6 o'clock". In a commentary, it also remarks that "Mr. Bowes came to the help of the ministry by voting that the debate be adjourned till this day six weeks, which the opposition looked upon as tantamount to throwing out the question for the session. Some of the Lower Canada members seemed to feel that to vote for this motion would scarcely comport with their protestations of liberality, as it was leaving matters in *statue* [sic] *quo*; and Mr. Masson moved that the debate be adjourned to this day five weeks, then to be the first order of the day."
455. All newspapers differ from the *Journals* and report that 28 members voted nay. Mr. Bowes is not included in the list of voters as reported in *Globe*, 7 May 1856, *Mackenzie's Weekly Message*, 9 May 1856, and *Hamilton Spectator Semi-Weekly*, 10 May 1856.
456. According to the several newspapers which report information on this day's proceedings, the House adjourned between 6:00 and 6:30 in the morning.
Commentaries on this day's debate on the Common School Acts of Upper Canada are reported in *Globe*, 6 and 7 May 1856, *Montreal Gazette*, 9 May 1856, *Le Pays*, 10 and 29 May 1856, and *Western Planet*, 12 May 1856.
457. *Toronto Daily Leader*, 6 May 1856.
458. *Toronto Daily Leader*, 6 May 1856. There is no evidence in the *Journals* of 1856 that this motion was ever carried this session. The Address appears in a very similar form in the *Journals* of 1857, moved by Mr. O'Farrell, and duly carried.
459. *Toronto Daily Leader*, 6 May 1856.
460. *Ibid.*
461. *Ibid.*
462. *Ibid.*
463. *Toronto Daily Leader*, 6 May 1856. According to this source, this enquiry was made towards the beginning of this day. Later in the day, Mr. Cameron himself introduced a Bill to enable the members of the Church of England and Ireland, in Canada, to meet in Synod. This Bill is reported in the *Journals*, page (435) 1786.
464. *Toronto Daily Leader*, 6 May 1856.
465. *Le Pays*, 10 May 1856.
466. *Ibid.*
467. *Toronto Daily Leader*, 6 May 1856.
468. *Le Pays*, 10 May 1856.
469. *Globe*, 6 May 1856.
470. *Globe*, 6 May 1856. Telegraph (*Montreal Gazette*, 6 May 1856), also reports that Mr. Cauchon answered the enquiry.
471. *Toronto Daily Leader*, 6 May 1856.
472. *Ibid.*
473. *Ibid.*
474. *Globe*, 6 May 1856.
475. *Ibid.*
476. *Toronto Daily Leader*, 6 May 1856.

477. *Globe*, 6 May 1856.
478. *Toronto Daily Leader*, 6 May 1856.
479. *Ibid.*
480. *Ibid.*
481. *Globe*, 6 May 1856.
482. *Ibid.*
483. *Ibid.*
484. *Toronto Daily Leader*, 6 May 1856.
485. *Telegraph (Montreal Gazette)*, 6 May 1856).
486. *Toronto Daily Leader*, 6 May 1856.
487. *Ibid.*
488. *Ibid.*
489. *Telegraph (Montreal Gazette)*, 6 May 1856).
490. *Toronto Daily Leader*, 6 May 1856.
491. *Telegraph (Montreal Gazette)*, 6 May 1856).
492. *Toronto Daily Leader*, 6 May 1856.
493. *Telegraph (Montreal Gazette)*, 6 May 1856).
494. *Toronto Daily Leader*, 6 May 1856.
495. *Globe*, 6 May 1856.
496. *Ibid.*
497. *Toronto Daily Leader*, 6 May 1856.
498. *Ibid.*
499. *Telegraph (Montreal Gazette)*, 6 May 1856).
500. *Globe*, 6 May 1856.
501. *Ibid.*
502. *Ibid.*
503. *Globe*, 6 May 1856. *Telegraph (Montreal Gazette)*, 6 May 1856), also reports that Mr. J.A. Macdonald answered this enquiry.
504. *Toronto Daily Leader*, 6 May 1856.
505. *Telegraph (Montreal Gazette)*, 6 May 1856). Mr. Chisholm's Bill is reported on page 434 1785.
506. *Telegraph (Montreal Gazette)*, 6 May 1856).
507. *Ibid.*
508. *Toronto Daily Leader*, 6 May 1856.
509. *Ibid.*
510. *Globe*, 6 May 1856.
511. *Ibid.*
512. *Toronto Daily Leader*, 6 May 1856.
513. *Ibid.*
514. *Ibid.*
515. *Ibid.*
516. *Globe*, 6 May 1856.
517. *Ibid.*
518. *Ibid.*
519. *Ibid.*
520. *Toronto Daily Leader*, 6 May 1856.
521. *Globe*, 6 May 1856.
522. *Toronto Daily Leader*, 6 May 1856.
523. *Globe*, 6 May 1856.

TUESDAY, 6 MAY 1856

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THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Frazer*, — The Petition of *Patrick Finn* and others, Bailiffs of Division Courts for the United Counties of *Lincoln* and *Welland*.

By Mr. *Chapais*, — The Petition of the Municipality of the Parish of *L'Isle Verte*; and the Petition of the Municipality of the Parish of *St. Eloi*.

By Mr. *Desaulniers*, — The Petition of *G. Rivard Dufresne*, Mayor, and others, of *La Pointe du Lac*.

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By Mr. *Rankin*, — The Petition of *Constant Gauthier* and others, Bailiffs of Division Courts in *Upper Canada*.

By Mr. *Wilson*, — The Petition of *John Prince*, of the County of *Essex*; the Petition of the Municipality of the Township of *South Norwich*; the Petition of *Robert Craik* and others, of *Middlesex*; the Petition of *Thomas Fleming* and others, of the City of *London*; and the Petition of *Campbell Macdonald* and others, of the County of *Middlesex*.

By Mr. *Bell*, — The Petition of *William May* and others, of the Township of *Dalhousie*.

By Mr. *Brown*, — The Petition of *D. Meyers* and others, of the Township of *Sombra*; and the Petition of *Thomas Cook* and others, of the Township of *Sombra*.

The Honorable Mr. *Cartier*, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General, — Return to an Address from the Legislative Assembly of the 28th ultimo, for a copy of the Presentment of the Grand Jury, *Montreal*, in March last.

By Command.

Geo. Et. Cartier,

Secretary.

Secretary's Office,

Toronto, 5th May, 1856.

Province of *Canada*, District of *Montreal*.

March Term, 1856, Crown Side.

To the Honorable the Justices of Her Majesty's Court of Queen's Bench holding Criminal Jurisdiction for the District of *Montreal*.

The Grand Jury, although at an earlier period of the Term than usual, desire, before separating for the week, to thank the Court for the able and luminous charge delivered to them by the Honorable Mr. Justice *Aylwin*, and beg leave, in the meantime, (though with the intention of making hereafter, if necessary, a further Presentment on various points in the charge alluded to,) to present to this Honorable Court that the Grand Jury feel considerable dissatisfaction at their time being occupied by the examination of a number of small and insignificant cases which, with the utmost deference, they submit might be summarily disposed of, or, at all events, not brought before the Court of the highest Criminal Justice of the Province. They also take this opportunity of strongly animadverting upon the total inadequacy of the present Building for the purposes of a Court of Justice of any kind.

They do not know, nor will they now inquire where the fault lies, but they have every reason to believe that the new Court House might have been ready ere this time for occupation, had the slightest exertion been made by those whose duty it is to superintend the progress of the work. But be that as it may, they cannot too strongly protest on behalf of the Public whom they represent, and of all concerned in the administration of Justice in this District, against a longer occupation of this Building as a Court House. The number of people necessarily present crowds the

Court, the passages, and the lobbies, to such an extent as seriously to impede the various officers, the jurors, and witnesses, (and even preventing free access of the Grand Jurors to their own apartment,) and from the same cause all whose duties compel their presence are forced to breathe a foul and polluted atmosphere which is, and must be highly prejudicial to health, and they feel that to be exposed, as the Judge, the Officers of the Crown, the Grand and Petit Jurors and Witnesses must be for the next ten or twelve days to such pestilential atmosphere, is a hardship which nothing but the most imperious necessity should call upon them to endure.

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The Grand Jury are the more urgent in this matter because they have every reason to believe that the Criminal Court, and the offices dependent upon it in the new Court House, are even now in such a state as to permit of their being occupied without inconvenience.

The whole respectfully submitted.

(Signed,) *Henry Chapman,*
Foreman, Grand Jury.

Grand Jury Room,
Montreal, March 15th, 1856.

(A true copy.)

(Signed,) *A.M. Delisle,*
Clerk of the Crown.

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 28th ultimo, praying His Excellency to cause to be laid before the House, copies of the following documents, viz: — 1st. Letter of the Provincial Secretary, dated 29th August, 1848, to Mr. *George Brown*, Secretary to the Penitentiary Commission, (in reply to his of the 29th July,) communicating approval of His Excellency the Governor General in Council of the course the Commissioners intended to pursue in conducting their inquiries. 2nd. Letter of the Secretary of the Penitentiary Commission to the Provincial Secretary, dated 28th January, 1849, replying to certain statements made by the Honorable *John A. Macdonald* made in the House of Assembly, in regard to the proceedings of the Commissioners. 3rd. Letters of Mr. *James Hopkirk* to the Provincial Secretary, complaining of the dismissal of Keeper *Hugh Manuel* as an officer of the Penitentiary, and demanding inquiry: Affidavit of the said *Manuel* accompanying said Letter: Letter of Mr. *George Brown* in reply to the foregoing: Letter of the Provincial Secretary to Mr. *Hopkirk*, informing him that the Inspectors had satisfactorily explained the dismissal of *Manuel*. 4th. Letters of Mr. *Henry Smith*, senior, to the Provincial Secretary, between April, 1849, and April, 1850, complaining of the manner in which the Commissioners had conducted their inquiry into his conduct, and stating in detail his allegations against the Commissioners and their proceedings: Minute of Executive Council of February, 1850, calling on Mr. *Smith* to close his case against the Commissioners without delay: Minute of Executive Council of April, 1850, deciding on Mr. *Smith's* complaints, approving of the proceedings of the Commissioners, and inviting them to aid in the preparation of a Bill for the better management of the Penitentiary: Letter to Mr. *George Brown*, by order of the Governor General, dated April, 1850, approving of the proceedings of the Commission. 5th. Copy of the application to the Government with the signatures attached to it, in consequence of which *Hugh Cameron*, a Convict in the Penitentiary, was pardoned before the expiration of his sentence; also, the date when said Convict was ordered to be discharged. 6th. The same in regard to *A.B. DeBlois*. 7th. The same in regard to Convict *James Henesey*.

For the said Return, see Appendix (No. 18.)

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 28th February last, praying His Excellency to cause to be laid before the House, a Return shewing the actual sum or sums of money paid to the Ministers of the Presbyterian Church of *Canada* in connection with the Church of *Scotland*, or to their authorized Agent or Agents, out of the Clergy Reserve Fund, during and for the year 1853.

By Command.
George Et. Cartier,
Secretary.

Secretary's Office,
Toronto, 5th May, 1856.

(447)

A Return shewing the actual Sum or Sums of Money paid to the Ministers of the Presbyterian Church of *Canada* in connection with the Church of *Scotland*, or to their authorized Agent or Agents, out of the Clergy Reserve Fund, during and for the year 1853: —

				£	s.	d.
July	1, 1853	To paid Reverend Alexander Mathieson, D.D.		36	8	2
do	do, do	do do Duncan Moodie		36	8	2
do	do, do	do do William Mair		36	8	2
do	do, do	do do James Anderson		36	8	2
do	do, do	do do John Cook, D.D.		36	8	2
do	do, do	do do James C. Muir		36	8	2
do	do, do	do do William Simpson		56	5	0
do	do, do	do do John Merlin		56	5	0
do	do, do	do do John Davidson		56	5	0
do	do, do	do do James Thom		56	5	0
do	do, do	do do Alexander Wallace		56	5	0
do	do, do	do do Robert McGill		24	11	8
do	do, do	do do James T. Paul		56	5	0
do	do, do	do do Thomas Haig		56	5	0
do	do, do	do do Thomas Morrison		53	12	11
do	do, do	do do Robert Dobie		50	0	0
do	do, do	do do A.H. Milligan		16	13	4
do	do, do	do do John Mackenzie		24	11	8
do	do, do	do do Hugh Urquhart		24	11	8
do	do, do	do do John McLaurin		24	11	8
do	do, do	do do Thomas Macpherson		36	8	2
do	do, do	do do Æneas McLean		56	5	0
do	do, do	do do Donald Munro		56	5	0
do	do, do	do do Thomas Scott		56	5	0
do	do, do	do do Andrew Bell		20	18	0
do	do, do	do do William Bell				
do	do, do	do do Joseph Anderson		56	5	0
do	do, do	do do Alexander Mann		56	5	0
do	do, do	do do David Evans		56	5	0
do	do, do	do do Thomas Fraser		56	5	0
do	do, do	do do William Bain		56	5	0
do	do, do	do do John McMorine		56	5	0
do	do, do	do do Alexander Spence		56	5	0
do	do, do	do do Solomon Mylne		56	5	0
do	do, do	do do David Shanks		56	5	0
do	do, do	do do John Whyte		56	5	0
do	do, do	do do Duncan Morrison		56	5	0
do	do, do	do do George Thomson		56	5	0
do	do, do	do do John Machar, D.D.		24	11	8
do	do, do	do do Robert Neill		56	5	0
do	do, do	do do William McEwen		56	5	0
do	do, do	do do A. Colquhoun		30	0	0
do	do, do	do do J.M. Smith, (Professor)				
do	do, do	do do James Williamson, do				
do	do, do	do do P. McNaughton		56	5	0
do	do, do	do do P. Ferguson		24	11	8
do	do, do	do do James George		56	5	0
do	do, do	do do John Tawes		40	8	4
do	do, do	do do Thomas Johnston		20	18	0
do	do, do	do do Alexander Lewis		56	5	0
do	do, do	do do John McMurchy		56	5	0
do	do, do	do do John Barclay		56	5	0
do	do, do	do do Alexander Ross		56	5	0
do	do, do	do do Samuel Porter		56	5	0
do	do, do	do do William Barr		56	5	0
do	do, do	do do James Stuart		56	5	0
do	do, do	do do John Campbell		34	7	6
do	do, do	do do David Watson		7	10	0
Carried over				£ 2533	0	3

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						£	s.	d.
<i>Brought over</i>						2533	0	3
July	1,	1853	To paid Reverend J.H. McKerras	7	10	0
do	do,	do	do do Alexander Mackid	56	5	0
do	do,	do	.....	do do Hugh Mair, D.D.	.....	56	5	0
do	do,	do	.....	do do Colin Grigor	.....	56	5	0
do	do,	do	.....	do do William Bell	.....	56	5	0
do	do,	do	.....	do do George Bell	.....	56	5	0
do	do,	do	.....	do do J.B. Mowat	.....	56	5	0
do	do,	do	.....	do do Daniel McNee	.....	56	5	0
do	do,	do	.....	do do Hamilton Gibson	.....	56	5	0
do	do,	do	.....	do do John Robb	.....	56	5	0
do	do,	do	.....	do do F.P. Sim	.....	56	5	0
do	do,	do	.....	do do W. Johnston	.....	56	5	0
do	do,	do	.....	do do G. McDonnell	.....	56	5	0
do	do,	do	.....	do do K. McLennan	.....	47	10	0
do	do,	do	.....	do do William King	.....	4	13	0
do	do,	do	.....	do do John Bryning	.....	4	13	0
do	do,	do	.....	do do G. McClutchy	.....	4	13	0
do	do,	do	.....	do do Robert Burnet	.....	16	13	4
January	1,	1854	.....	do do A. Mathieson, D.D.	.....	36	8	2
do	do,	do	.....	do do Duncan Moodie	.....	36	8	2
do	do,	do	.....	do do William Mair	.....	36	8	2
do	do,	do	.....	do do James Anderson	.....	36	8	2
do	do,	do	.....	do do John Cook, D.D.	.....	36	8	2
do	do,	do	.....	do do James C. Muir	.....	36	8	2
do	do,	do	.....	do do William Simpson	.....	56	5	0
do	do,	do	.....	do do John Merdin	.....	56	5	0
do	do,	do	.....	do do John Davidson	.....	56	5	0
do	do,	do	.....	do do James Thom	.....	56	5	0
do	do,	do	.....	do do Alexander Wallace	.....	56	5	0
do	do,	do	.....	do do Robert McGill	.....	24	11	8
do	do,	do	.....	do do James T. Paul	.....	56	5	0
do	do,	do	.....	do do Thomas Haig	.....	56	5	0
do	do,	do	.....	do do Thomas Morrison	.....	56	5	0
do	do,	do	.....	do do A.H. Milligan	.....	56	5	0
do	do,	do	.....	do do Grigor Stewart	.....	4	3	4
do	do,	do	.....	do do John Mackenzie	.....	24	11	8
do	do,	do	.....	do do Hugh Urquhart	.....	24	11	8
do	do,	do	.....	do do John McLaurin	.....	24	11	8
do	do,	do	.....	do do Thomas Macpherson	.....	36	8	2
do	do,	do	.....	do do Æneas McLean	.....	56	5	0
do	do,	do	.....	do do Donald Munro	.....	56	5	0
do	do,	do	.....	do do Thomas Scott	.....	56	5	0
do	do,	do	.....	do do Andrew Bell	.....	20	18	0
do	do,	do	.....	do do Robert Dobie	.....	53	2	6
do	do,	do	.....	do do William Bell	.....		
do	do,	do	.....	do do Joseph Anderson	.....	56	5	0
do	do,	do	.....	do do Alexander Mann	.....	56	5	0
do	do,	do	.....	do do David Evans	.....	56	5	0
do	do,	do	.....	do do Thomas Fraser	.....	56	5	0
do	do,	do	.....	do do William Bain	.....	56	5	0
do	do,	do	.....	do do John McMorine	.....	56	5	0
do	do,	do	.....	do do Alexander Spence	.....	56	5	0
do	do,	do	.....	do do Solomon Mylne	.....	56	5	0
do	do,	do	.....	do do David Shanks	.....	56	5	0
do	do,	do	.....	do do John Whyte	.....	56	5	0
do	do,	do	.....	do do D. Morrison	.....	56	5	0
do	do,	do	.....	do do George Thomson	.....	56	5	0
do	do,	do	.....	do do P. Lindsay	.....	33	8	9
do	do,	do	.....	do do John Machar, D.D.	.....	24	11	8
do	do,	do	.....	do do Robert Neill	.....	56	5	0
do	do,	do	.....	do do William McEwen	.....	56	5	0
do	do,	do	do do Archibald Walker	3	2	6
do	do,	do	do do James Williamson, (Professor)			
<i>Carried forward</i>						£ 5248	13	2

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						£	s.	d.
			<i>Brought forward</i>			5248	13	2
January 1, 1854	To paid Reverend J.M. Smith, Professor			
do	do, do	do	do	do	James George, do			
do	do, do	do	do	do	P. McNaughton	56	5	0
do	do, do	do	do	do	P. Ferguson	24	11	8
do	do, do	do	do	do	James George	42	3	9
do	do, do	do	do	do	John Tawse	40	8	4
do	do, do	do	do	do	James Johnston	20	18	0
do	do, do	do	do	do	Alexander Lewis	56	5	0
do	do, do	do	do	do	John McMurphy	56	5	0
do	do, do	do	do	do	John Barclay	56	5	0
do	do, do	do	do	do	Alexander Ross	56	5	0
do	do, do	do	do	do	Samuel Porter	56	5	0
do	do, do	do	do	do	William Barr	56	5	0
do	do, do	do	do	do	James Stuart	56	5	0
do	do, do	do	do	do	John Campbell	56	5	0
do	do, do	do	do	do	David Watson	47	10	0
do	do, do	do	do	do	J.H. McKerras	45	6	3
do	do, do	do	do	do	A. Colquhoun	43	2	6
do	do, do	do	do	do	James Bain	4	3	4
do	do, do	do	do	do	W. Clelland	4	3	4
do	do, do	do	do	do	Alexander Mackid	56	5	0
do	do, do	do	do	do	Hugh Mair, D.D.	56	5	0
do	do, do	do	do	do	Colin Grigor	56	5	0
do	do, do	do	do	do	William Bell	56	5	0
do	do, do	do	do	do	George Bell	56	5	0
do	do, do	do	do	do	J.B. Mowat	56	5	0
do	do, do	do	do	do	Hamilton Gibson	56	5	0
do	do, do	do	do	do	John Robb	56	5	0
do	do, do	do	do	do	F.P. Sim	56	5	0
do	do, do	do	do	do	W. Johnston	56	5	0
do	do, do	do	do	do	G. McDonnell	56	5	0
do	do, do	do	do	do	K. McLennan	56	5	0
do	do, do	do	do	do	John Skinner, D.D.	48	8	9
do	do, do	do	do	do	Robert Burnet	52	11	8
do	do, do	do	do	do	Daniel McNee	28	2	6
do	do, do	do	do	do	William King	4	13	0
do	do, do	do	do	do	G. McClotchy	4	13	0
do	do, do	do	do	do	James Gordon	10	0	0
do	do, do	do	do	do	P. Watson	10	0	0
do	do, do	do	do	do	John McDonald	4	3	4
			Total	.....	£	6864	17	7

Inspector General's Office,
Toronto, 3rd May, 1856.

William Dickinson,
Acting Deputy Inspector General.

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 29th February last, praying His Excellency to cause to be laid before the House, a Return of 1st. The total number of acres of Clergy Reserves which have been sold, giving the yearly sales and average price per acre. 2nd. The gross amount which such sales have produced. 3rd. The expenses charged for selling, shewing the per centage on each year's receipt. 4th. The net amount received, and how invested. 5th. The amount of commutation money paid respectively to the parties and bodies referred to in the third clause of the 18 Vic. cap. 2, designating the mode of payment, the description of security, and the amount in money. 6th. Also, the number of acres unsold, stating the Townships in which they are situated, and the average price per acre at which they are sold. 7th. The amount due on sales made prior to the passage of the above recited Act. 8th. The amount now on hand, what proportion invested, in what description of securities, and in cash. 9th. The amount of capital retained to pay the stipends under the provisions of the fourth clause of the said Act, what proportion thereof is in debentures and other securities, or in cash.

(450)

10th. The amount of the available balance on hand, and how invested, that this House may be in possession of the amount of capital remaining out of this fund to be divided among the different Municipalities, under the provisions of the fifth clause of the said Act, in order that the said capital may be applied in aid of the Common School Fund set apart under the 12 Vic. cap. 200, if the Legislature consider this application more conducive to the public interest.

For the said Return, see Appendix (No. 35.)

Return in part to an Address of the Legislative Assembly, dated 7th March, 1855, for copies of all Documents relative to certain lots of land in the Township of *Orford*, granted to the heirs of the late Honorable *W.B. Felton*.

For the said Return, see Appendix (No. 51.)¹

Return to an Address from the Legislative Assembly of the 14th ultimo, for copies of Complaints preferred against *J. Maguire*, Esquire, as Inspector and Superintendent of Police, *Quebec*.

For the said Return, see Appendix (No. 52.)

The Honorable Mr. *Cartier* also laid before the House, by command of His Excellency the Governor General, — Annual Reports of the Directors of the Observatories at *Toronto* and *Quebec*, for the year 1855.

For the said Reports, see Appendix (No. 53.)

Ordered, That the Return relative to the Penitentiary Commission, presented this day, be referred to the Special Committee appointed to inquire and report as to the truth of certain charges preferred against Mr. *George Brown*, a Member of this House.

Ordered, That the Bill to amend the Act incorporating the *Stratford* and *Huron* Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House.

On motion of MR. DALY,²

(450)

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Matheson* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

On motion of Mr. *Stevenson*, seconded by Mr. *Chisholm*,

Resolved, That this House doth concur in the Sixteenth Report of the Standing Committee on Printing.

Ordered, That the Bill to incorporate the *Canada* and *Liverpool* Mining Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

On motion of MR. FOLEY,³

(450)

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Hartman* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

(451)

Ordered, That the Bill be read the third time To-morrow.

On motion of the Honorable Mr. Attorney General *Drummond*, seconded by Mr. Solicitor General *Smith*,

Ordered, That the Orders of the day be now read.⁴

MR. WILSON moved the third reading of the Bill to incorporate the London and St. Mary's Railroad Company.⁵

MR. BROWN said there was an objectionable clause, allowing the Company to incorporate with the Grand Trunk. The bargain of the Grand Trunk was to carry through their line direct to Sarnia, and they had no right to deviate. He hoped the hon. member would postpone his motion till the members for Toronto were in their places.⁶

MR. WILSON declined postponing his motion.⁷

The Bill ... [was then] read a third time.⁸

(451) | A Bill to incorporate a Company to construct a Railway from the City of *London* to intersect the Grand Trunk Railway at *St. Mary's*, or at some point north of *London*, was, according to Order, read the third time.

MR. BROWN moved "that the Bill be recommitted, with the instructions to strike out the clause in the Bill enabling the said Railway Company to amalgamate with the Grand Trunk Railway Company." He said he had not the slightest hostility to the road from London to St. Mary's, but he considered it would be very unjust, not only to the people of Toronto, who had £100,000 stock in the road to Sarnia, but to the whole people along the line, to give the Grand Trunk an opportunity of having a branch of their own to London, a route it was never intended they should have. And still more wrong would it be to give the Grand Trunk more lines than it now had, as it was quite clear that it had already far more lines than it could possibly manage. Were this granted, the result would just be another application for public money for this road as a portion of the Grand Trunk, while if it was kept separate there was no danger of its not being built.⁹

MR. SOL. GEN. H. SMITH hoped the motion would be rejected by the House. It appeared to him that its only effect¹⁰ would be to ruin the Bill, by destroying the only purpose for which it had been introduced.¹¹ If the House intended to prevent any amalgamation, they had better let the bill drop at once.¹²

MR. WILSON repudiated the notion under which the hon. member for Lambton appeared to labor; that the Grand Trunk wished to change its terminus.¹³ It would be most unreasonable for the house to refuse the company right to become part of the Grand Trunk Company, if they chose.¹⁴ The hon. member for Lambton need not be afraid of his pet county of Sarnia, the line would certainly be run on there.¹⁵

MR. CASAULT opposed the bill. When the Grand Trunk was a bankrupt company, its effrontery was considerable in making this application for power to construct a new road.¹⁶

MR. RANKIN regretted to see the opposition evinced against this bill in certain quarters. He hoped the bill would pass. The Grand Trunk Company ought not to be debarred from profitably extending its branches.¹⁷ [He] indicated his opinion that the Grand Trunk traffic should be directed via Windsor and Detroit.¹⁸ Having a desire to see the road extricated from its present difficulties, he would support the bill now before the House.¹⁹

MR. J. SMITH defended the Sarnia route, and insisted that the Grand Trunk should be kept to its original bargain.²⁰ [He] hoped the clause, indicated in the hon. member for Lambton's amendment, would be struck out of the bill.²¹

MR. BOWES, in the interest of the city of Toronto, urged the member for London to withdraw the clause, objected to by the member for Lambton.²² If he refused to do so his bill would never pass that House.²³

MR. WILSON, in reply, contended that in supporting the hon. member for Lambton's motion, the hon. member for Toronto was running counter to the interests of his constituents.²⁴

MR. GALT considered it was a very short-sighted course for the member for Toronto to oppose the junction of the Grand Trunk with the Great Western.²⁵

MR. AT. GEN. DRUMMOND, in French, replied to the remarks of Mr. Casault.²⁶ [He] said that the only object of the clause sought to be expunged, was to enable the company to amalgamate with the Grand Trunk, and thus give to that important work a terminus which would greatly increase its traffic and enable it to meet its liabilities.²⁷

MR. C. DAOUST held that the omission of this clause would not prevent this company from amalgamating with any other company. He thought that the interests of the company would be equally advanced by remaining distinct from the Grand Trunk or any other company.²⁸

MR. PROV. SEC. CARTIER [spoke] against ... the amendment of the member for Lambton²⁹. [He] also attacked Mr. Brown, as having been influenced by personal motives, his property being on the Great Western Railroad.³⁰ He reminded the hon. member for Beauharnois that by an amalgamation a great saving would be effected in the rolling stock and salaries of servants of the company.³¹

MR. TURCOTTE contended that the Grand Trunk Company being now in a state of bankruptcy, it was premature to speak of any line amalgamating with them.³² The hon. member for London ... ought to wait for a few days till the house was put in possession of the Government's grand scheme for recovering the Grand Trunk out of its bankrupt condition.³³ Then if the line were relieved from its embarrassments they might vote for the bill.³⁴

MR. INSP. GEN. CAYLEY said he had first received a motion from the hon. member for Toronto (Mr. Cameron), on which he intended moving the House into committee, in order to take into consideration an additional clause to the bill, which would be as follows: — "Provided that nothing herein contained shall be construed to relieve the Grand Trunk Company from any obligation now imposed on that company by law, to complete their line to Sarnia."³⁵ [This would] relieve hon. gentlemen from the apprehension that the junction with the Great Western at London would interfere with the completion of the Grand Trunk to Sarnia³⁶.

MR. CAMERON did not think it would be detrimental to the interests of Toronto, that the line from St. Mary's to London should be built, provided the Grand Trunk completed their line to Sarnia, whenever at any future time they should be in a position to do so³⁷. [He] would be prepared to support the bill, with the addition of the proviso he had placed in the hon. the Inspector General's hand.³⁸

MR. SICOTTE the SPEAKER ruled that this motion could not be received, until that of the member for Lambton was disposed of.³⁹

MR. SANBORN rose to a question of order. Was the motion of the hon. member for Lambton in order, when the bill had been read a third time?⁴⁰

MR. SICOTTE the SPEAKER ruled that the motion was in order.⁴¹

MR. MERRITT was surprised that Lower Canada members should oppose this Bill.⁴² The object of hon. gentlemen supporting the amendment appeared to be to prevent the building of the line between London and St. Mary's.⁴³

MR. BROWN said he did not at all object to a road being built between London and St. Mary's, but to the way in which it was proposed to be done. The whole objection was to the amalgamation with the Grand Trunk. He had himself, in the absence of the member for London, moved the second reading of the Bill, not being aware that that clause was in it.⁴⁴

MR. AT. GEN. DRUMMOND. — Is not a similar clause to be found in all Railway Bills?⁴⁵

MR. BROWN said it was full time they should strike out that clause from every Railway Bill. The great reason of the Grand Trunk having been brought to its present position, was the power it had possessed of making these amalgamations. He objected to granting the power to any company. Whenever an amalgamation was desired, let it be brought before the house, and a special Act passed. (Hear, hear.) He had no doubt that the object of this Bill was to facilitate the Union of the Great Western and Grand Trunk into one monstrous corporation, than which he could conceive nothing more injurious to the interests of the country. (Hear, hear.) — The resolutions submitted by the Inspector General amounted to nothing, for as a matter of course, although this Bill passed, it could not interfere with any provisions in the charter. Mr. Brown then pointed out that the traffic on the Grand Trunk must be very much greater, if it were completed to Sarnia, than if a junction were formed with the Great Western. The Provincial Secretary had argued that the course he (Mr. Brown) took in reference to this Bill, was due to the interest he had in the Great Western. But the argument was all the other way. If he was seeking his own interest, rather than the interest of the country, he would be in favour of passing this Bill and getting additional traffic to pass over the Great Western. But, in the interests of the country, he insisted that the Grand Trunk should be compelled to go on to its original terminus, and carry the road as speedily as possible to Sarnia.⁴⁶

MR. ROBINSON said that the hon. gentleman's object seemed to be to ruin the Grand Trunk — to allow them no chance of salvation. He would vote for the bill as it stood.⁴⁷

MR. CASAULT called the attention of members from Lower Canada to the extraordinary anxiety of the Inspector General, to compel the Grand Trunk to adhere to its original contract, in completing the line to Sarnia, in Upper Canada, while no interest was felt in compelling the same company to finish their road from St. Thomas to Trois Pistoles, in Lower Canada. This was another evidence of the advantages which were given by Government to the people of Upper Canada, in preference to those of the Lower Province.⁴⁸

MR. PATRICK said that the subject was one altogether new to many hon. gentlemen in that House; and many eloquent speeches had been delivered on the subject, that evening — but in a language which he did not understand, and as he hoped to see the debate in print, he would move⁴⁹ that the debate be postponed until next Monday.⁵⁰

MR. WILSON was surprised that such difficulties should arise about a road of this kind⁵¹. The object of the clause under discussion was, to prevent a short road from being forced to be run at a loss, it being well understood that one line of the length of 16 or 20 miles could [not] be made profitable⁵². What objection could there be to ... the right to amalgamate with any other company whose interest it may be to take this short line. It was a mere link in the great chain of railroad of Canada, and why should such great alarm be excited in the house, when it would be the greatest benefit to Toronto that this should take place, and it would be one of the greatest advantages to the Grand Trunk Company.⁵³

There was an immense trade being done over the Grand Trunk road, to the Niagara Bridge from London, which trade was at present all passed over to the United States. The arrangement now proposed would bring a large portion of the trade to Toronto, and this would put it on the nearest route to Lower Canada [sic].⁵⁴ He did not see why the present Bill should be opposed, and he hoped the house would allow it to pass.⁵⁵ He would much rather have the clause struck out, than agree to a postponement.⁵⁶

DR. CLARKE hoped the house would pause before it agreed to the amalgamation clause, which allowed a company of twenty-two miles of railroad, with a capital of £500,000, giving £23,000 a mile, to amalgamate with the Grand Trunk or any other railroad. (Hear, hear.) It was a most unjust proceeding, and he hoped that an adjournment of the subject would take place to next Monday, in order to consider this question. (Hear, hear.)⁵⁷

MR. DALY intended to support this Bill without any amendment.⁵⁸

MR. SICOTTE the SPEAKER then put Mr. Patrick's motion to adjourn the matter to Monday next.⁵⁹

(451)

Mr. Brown moved, seconded by Mr. Aikins, and the Question being proposed, That the said Bill be re-committed to a Committee of the whole House, with an Instruction to leave out the Clause enabling the said Railway Company to amalgamate with the Grand Trunk Railway Company;

Mr. Patrick moved, seconded by Mr. James Smith, and the Question being put, That the further consideration of the said Question be postponed until Monday next; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Bell, Bowes, Brodeur, Bureau, Burton, Casault, Chapais, Clarke, Conger, Charles Daoust, Jean B. Daoust, Darche, Delong, Desaulniers, Dionne, Dostaler, Dufresne, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Guévremont, Jobin, Labelle, Laporte, Lumsden, Lyon, Roderick McDonald, McCann, Marchildon, Masson, Meagher, Murney, Papin, Patrick, Pouliot, Prévost, Shaw, James Smith, Thibaudeau, Turcotte, and Valois. — (42.)

NAYS.

Messieurs Aikins, Biggar, Brown, Cameron, Cartier, Cayley, Chisholm, Christie, Cook, Daly, Antoine A. Dorion, Attorney General Drummond, Felton, Ferres, Ferrie, Foley, Galt, Gamble, Holton, Larwill, Lemieux, Loranger, Attorney General Macdonald, Mackenzie, Matheson, Merritt, Joseph C. Morrison, Angus Morrison, Polette, Poulin, Powell, Price, Rankin, Rhodes, Robinson, Rolph, Solicitor General Ross, Sanborn, Scatcherd, Solicitor General Smith, Spence, Stevenson, Wilson, Wright, and Yeilding. — (45.)

So it passed in the Negative.

And the Question being put, That the said Bill be re-committed to a Committee of the whole House, with an Instruction to leave out the Clause enabling the said Railway Company to amalgamate with the Grand Trunk Railway Company; the House divided: and the names being called for, they were taken down, as follow: —

(451-452)

YEAS.

Messieurs Aikins, Bell, Bowes, Brodeur, Brown, Bureau, Burton, Casault, Christie, Conger, Charles Daoust, Jean B. Daoust, Darche, Delong, Desaulniers, Dionne, Dostaler, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Guévremont, Jobin, Labelle, Lumsden, Roderick McDonald, Mackenzie, Marchildon, Masson, Meagher, Papin, Patrick, Pouliot, Powell, Prévost, Rolph, James Smith, Thibaudeau, Turcotte, Valois, and Wright. — (41.)

(452)

NAYS.

Messieurs Biggar, Cameron, Cartier, Cayley, Chabot, Chapais, Chisholm, Clarke, Cook, Daly, Antoine A. Dorion, Attorney General Drummond, Dufresne, Felton, Ferres, Ferrie, Foley, Galt, Gamble, Holton, Laporte, Larwill, Lemieux, Loranger, Lyon, Attorney General Macdonald, McCann,

Matheson, Merritt, Joseph C. Morrison, Angus Morrison, Murney, Polette, Poulin, Price, Rankin, Rhodes, Robinson, Solicitor General Ross, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Spence, Supple, Wilson, and Yeilding. — (47.)

So it passed in the Negative.

MR. INSP. GEN. CAYLEY then moved the clause, which he had read at a previous stage of the debate — “Provided always that nothing herein contained shall be construed to relieve the Grand Trunk Company from any obligation now imposed on the company by the law to complete their line to Sarnia.”⁶⁰

MR. CHABOT then said that he was willing to vote for the amendment of Mr. Cayley, but he wanted to amend it by striking out the words after law, so as to leave it as follows: — Provided, that the Grand Trunk Company shall not be discharged from any of the obligations now imposed on it by law.⁶¹

MR. INSP. GEN. CAYLEY⁶² [OR] MR. CAMERON had no objection to accepting this amendment.⁶³

MR. BROWN did object to it. If those words “to complete their line to Sarnia” were struck out, the alteration would fritter away the motion altogether, and destroy any little utility it might have.⁶⁴ The motion should be put on its own merits.⁶⁵

MR. CHAPPAIS and other members supported the amendment, in French, their object being to secure the construction of the Grand Trunk to Trois Pistoles.⁶⁶

MR. CHABOT offered to withdraw his amendment, provided the Inspector General withdrew his motion.⁶⁷

MR. INSP. GEN. CAYLEY expressed his willingness to withdraw his motion.⁶⁸

MR. SICOTTE the SPEAKER then asked if the House had any objection to allow the hon. Inspector General to withdraw his motion.⁶⁹

MR. BROWN said they could not think of such a thing.⁷⁰

MR. BUREAU then moved in amendment of Mr. Cayley’s motion — to add after the word “Sarnia” the following, “and also from St. Thomas to Trois Pistoles.”⁷¹

[The motion was] seconded by MR. CHAPPAIS.⁷²

MR. LYON said that one would imagine from this discussion, that this Bill was to amend the Grand Trunk Charter [sic]. He did not think it necessary to add any provisions about holding the Grand Trunk to their Charter.⁷³ [He] trusted the proposition before the chair would be rejected and the bill allowed to pass.⁷⁴

MR. BROWN said that this in reality *was* a Bill to amend the Grand Trunk Charter. If the amalgamation clause with the Grand Trunk was struck out from this Bill, he did not suppose the hon. member for London would press it.⁷⁵

MR. WILSON admitted that he would not.⁷⁶

A vote was then taken on Mr. Chabot’s amendment⁷⁷.

(452)

The Honorable Mr. *Cayley* moved, seconded by the Honorable Mr. *Cameron*, and the question being proposed, That the following Proviso be added to the 17th Clause of the said Bill: That nothing herein contained shall be construed to relieve the Grand Trunk Railway Company from any obligation now imposed on that Company by law, to complete their line of Railway to *Sarnia*;

The Honorable Mr. *Chabot* moved in amendment to the Question, seconded by Mr. *Casault*, That all the words after "law" to the end of the Question be left out;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Brodeur, Bureau, Cartier, Casault, Chabot, Chapais, Chisholm, Church, Clarke, Conger, Cook, Daly, Charles Daoust, Jean B. Daoust, Desaulniers, Dionne, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Galt, Gûvremont, Holton, Jobin, Labelle, Laporte, Larwill, Lemieux, Attorney General Macdonald, Roderick McDonald, Marchildon, Masson, Matheson, Joseph C. Morrison, Angus Morrison, Papin, Poulin, Pouliot, Prévost, Rankin, Rhodes, Solicitor General Ross, Sanborn, Shaw, Solicitor General Smith, James Smith, Spence, Stevenson, Thibaudeau, Turcotte, and Wilson.* — (56.)

NAYS.

Messieurs *Aikins, Bell, Bowes, Brown, Cameron, Cayley, Christie, Delong, Ferrie, Foley, Frazer, Gamble, Lyon, Mackenzie, McCann, Patrick, Robinson, Rolph, Scatcherd, Wright, and Yeilding.* — (21.)

(453)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the following Proviso be added to the 17th Clause of the said Bill: — That nothing herein contained shall be construed to relieve the Grand Trunk Railway Company from any obligation now imposed on the Company by law.

MR. DALY then moved that the House do now adjourn.⁷⁸

MR. AT. GEN. DRUMMOND said he believed it was the understanding that the House should adjourn at nine o'clock, to make up for the want of sleep the night before.⁷⁹

MR. A. DORION ... thought the House might sit till ten o'clock.⁸⁰

MESSRS. MACKENZIE ... and CAMERON [also] opposed the motion.⁸¹

(453)

Mr. *Daly* moved, seconded by Mr. *Chisholm*, and the Question being put, That this House do now adjourn; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Bowes, Brodeur, Cartier, Casault, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Conger, Cook, Daly, Jean B. Daoust, Delong, Dionne, Dostaler, Attorney General Drummond, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gûvremont, Labelle, Larwill, Lemieux, Loranger, Lyon, Attorney General Macdonald, McCann, Masson, Matheson, Joseph C. Morrison, Angus Morrison, Pouliot, Rhodes, Robinson, Solicitor General Ross, Scatcherd, Shaw, Solicitor General Smith, Turcotte, and Yeilding.* — (44.)

NAYS.

Messieurs *Aikins, Bell, Brown, Bureau, Cameron, Christie, Charles Daoust, Darche, Desaulniers, Antoine A. Dorion, Dufresne, Ferrie, Foley, Frazer, Galt, Gamble, Holton, Jobin, Mackenzie, Marchildon, Papin, Patrick, Prévost, Rolph, Sanborn, Thibaudeau, Valois, Wilson, and Wright.* — (29.)

So it was resolved in the Affirmative.

The House adjourned accordingly.⁸²

Footnotes

1. *Globe*, 15 May 1856, reports a commentary regarding this document.
2. *Globe*, 7 May 1856.
3. *Ibid.*
4. According to *Toronto Daily Leader*, 7 May 1856, this motion was put by Mr. J.A. Macdonald.
5. *Globe*, 7 May 1856.
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. *Ibid.*
10. *Toronto Daily Leader*, 7 May 1856.
11. *Globe*, 7 May 1856.
12. *Toronto Daily Leader*, 7 May 1856.
13. *Ibid.*
14. *Globe*, 7 May 1856.
15. *Toronto Daily Leader*, 7 May 1856.
16. *Globe*, 7 May 1856.
17. *Toronto Daily Leader*, 7 May 1856.
18. *Globe*, 7 May 1856.
19. *Toronto Daily Leader*, 7 May 1856.
20. *Globe*, 7 May 1856.
21. *Toronto Daily Leader*, 7 May 1856.
22. *Globe*, 7 May 1856.
23. *Toronto Daily Leader*, 7 May 1856.
24. *Ibid.*
25. *Globe*, 7 May 1856.
26. *Ibid.*
27. *Toronto Daily Leader*, 7 May 1856.
28. *Ibid.*
29. *Globe*, 7 May 1856.
30. *Montreal Gazette*, 8 May 1856.
31. *Toronto Daily Leader*, 7 May 1856. *Montreal Gazette*, 8 May 1856, summarizes the speeches of Messrs. Wilson, Cartier and Rankin in one paragraph, and though its account adds to the statements reported in *Toronto Daily Leader*, 7 May 1856, and *Globe*, 7 May 1856, it is impossible to attribute a particular statement to any one of the three members. It reports that these members "supported the bill, with the clause, as it stood, because that would give the Railroad a terminus in a rich country; it would then enable the Grand Trunk Company to pay, and would, after all, not prevent the road from going to Sarnia, where it was, by law, bound to go."
32. *Toronto Daily Leader*, 7 May 1856.
33. *Globe*, 7 May 1856.
34. *Toronto Daily Leader*, 7 May 1856.
35. *Ibid.*
36. *Globe*, 7 May 1856.
37. *Ibid.*
38. *Toronto Daily Leader*, 7 May 1856.
39. *Globe*, 7 May 1856.
40. *Toronto Daily Leader*, 7 May 1856.
41. *Ibid.*
42. *Globe*, 7 May 1856.
43. *Toronto Daily Leader*, 7 May 1856.
44. *Globe*, 7 May 1856.
45. *Ibid.*
46. *Ibid.*
47. *Toronto Daily Leader*, 7 May 1856.
48. *Toronto Daily Leader*, 7 May 1856. *Globe*, 7 May 1856, notes that Mr. Casault spoke in French.
49. *Toronto Daily Leader*, 7 May 1856.

50. *Globe*, 7 May 1856.
51. *Ibid.*
52. *Montreal Gazette*, 8 May 1856.
53. *Globe*, 7 May 1856.
54. *Montreal Gazette*, 8 May 1856.
55. *Globe*, 7 May 1856.
56. *Toronto Daily Leader*, 7 May 1856.
57. *Globe*, 7 May 1856.
58. *Ibid.*
59. *Ibid.*
60. *Ibid.*
61. *Montreal Gazette*, 8 May 1856.
62. *Toronto Daily Leader*, 7 May 1856.
63. *Globe*, 7 May 1856.
64. *Ibid.*
65. *Toronto Daily Leader*, 7 May 1856.
66. *Globe*, 7 May 1856.
67. *Ibid.*
68. *Ibid.*
69. *Toronto Daily Leader*, 7 May 1856.
70. *Ibid.*
71. *Globe*, 7 May 1856. This amendment, also reported in *Toronto Daily Leader*, 7 May 1856, and *Montreal Gazette*, 8 May 1856, does not appear in the *Journals*. No paper gives any evidence whether it was withdrawn or ruled out of order.
72. *Globe*, 7 May 1856.
73. *Ibid.*
74. *Toronto Daily Leader*, 7 May 1856.
75. *Globe*, 7 May 1856.
76. *Ibid.*
77. *Globe*, 7 May 1856. Commentaries on this debate are reported in *Montreal Gazette*, 10 May 1856, and *Western Planet*, 19 May 1856.
78. *Montreal Gazette*, 8 May 1856.
79. *Ibid.*
80. *Ibid.*
81. *Toronto Daily Leader*, 7 May 1856.
82. *Globe*, 7 May 1856, reports that the House adjourned at 6 o'clock.

WEDNESDAY, 7 MAY 1856

(453)

THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Darche*, — The Petition of *Octave Dostaler* and others, of *St. Gabriel de Brandon*; and the Petition of *E.M. Piché* and others, of the County of *Berthier*.

By Mr. *Labelle*, — The Petition of *François Vézina* and others, of the Parish of *St. François de Sales*.

By Mr. *Christie*, — The Petition of *John Cowie* and others, of the Township of *Onondaga*.

By Mr. *Felton*, — The Petition of *Henry Burnham* and others, of the Township of *Melbourne*.

By Mr. *Southwick*, — The Petition of the Municipality of the Township of *Bayham*.

(454)

By Mr. *Thibaudeau*, — The Petition of the Reverend *G.S. Derome* and others, of the Parish of *Les Grondines*; the Petition of *F. Dussault*, Mayor, and others, of the Parish of *St. Jean Baptiste des Ecureuils*; the Petition of the Reverend *F. Morin* and others, of the Parish of *Cap Santé*; and the Petition of the Reverend *P.J. Bedard* and others, of the Parish of *St. Raymond*.

By Mr. *Pouliot*, — The Petition of *Siméon Larochelle* and others, of the Parish of *St. Anselme*.

By Mr. *Mackenzie*, — The Petition of *William H. Doel* and others, of the Town of *Whitby*; and the Petition of *George Bolton* and others, of the Township of *Howick*.

Pursuant to the Order of the day, the following Petitions were read: —

Of *Augustin Picher* and others, of *Bulstrode*; of *Joseph Belle* and others, of *St. Edouard de Gentilly*; of *F.J. Lamontagne* and others, of *Matane*, County of *Rimouski*; of *P. Benoit*, Mayor, and others, of *Deschambault*, County of *Portneuf*; and of the Reverend *J.H. Dorion* and others, of the Parish of *Ste. Anne d'Yamachiche*; praying that no further guarantee may be given to the Grand Trunk Railway Company.

Of *P. Boissonnault* and others, of the Parish of *St. Michel*, County of *Bellechasse*; praying that the said Parish of *St. Michel* may not be annexed to *St. Thomas* for judicial purposes, but remain as at present attached to the *Quebec* Circuit.

Of the Horticultural Society of *Prince Edward*; praying for the passing of an Act for the encouragement of Horticulture.

Of *C.A. Verreault* and others, of *St. Jean Port-Joli*, County of *L'Islet*; praying for certain amendments to the Acts 16 *Vic. cap. 22*, and 18 *Vic. cap. 13*.

Of *Thomas Choat* and others, of the County of *Peterborough*; of *Thomas Armstrong* and others, of the Township of *Otonabee*, County of *Peterborough*; of *George Waddell* and others, of the Township of *Plympton*, County of *Lambton*; of *Peter McGregor* and others, of the Township of *Plympton*, County of *Lambton*; of *Andrew Smith* and others, of the Township of *Plympton*; of *Dougall Fergusson* and others, of the Township of *Sarnia*, County of *Lambton*; of *K. Chisholm* and others, of the Town of *Brampton*; of *William Whitehead* and others, of the Town of *Brampton*; of *Edward Long* and others, of the Town of *St. Mary's*, County of *Perth*; of *W.P. Smith* and others, of the Town of *Stratford*; of *Thomas J. Jones* and others, of the Village of *St. Mary's*; of *George White* and others, of the Township of *Pickering*; of *George Tait* and others, of the Township of *Pickering*, County of *Ontario*; of *Duncan McDonell* and others, of the Township of *West Hawkesbury*; of *William Stringer* and others, of the Townships of *Canborough* and *Moulton*, County of *Haldimand*; of *John Shields* and others, of the Township of *West Hawkesbury*; of *Andrew Thomson* and others, of the Township of *Mosa*; of *James Ketcheson* and others, of the Township of *Huntingdon*; and of *Henry Ostrom* and others, of the Township of *Huntingdon*; praying that Representation may be based upon Population.

Of *William McMeekin* and others, of the Township of *Holland*; and of *John Moodie* and others, of the Township of *Bentinck*, County of *Grey*; praying for the repeal of the Separate School Act.

Of *Charles F. Dionne* and others, of the Parish of *St. Antoine*, County of *Lotbinière*; praying that the County of *Lotbinière* may not be annexed to the Counties of *Megantic* and *Arthabaska* for judicial purposes.

Of the Reverend *S.S. Strong*; setting forth that he has been aggrieved by the terms in which his commutation from the Clergy Reserves has been arranged, and praying relief.

(455)

Of *Edward Glackemeyer*, of the City of *London, Canada West*; praying that the application of the Mayor, Aldermen, and Commonalty of the said City for certain amendments to the Acts for the formation of Joint Stock Companies for supplying Cities, Towns, and Villages with Gas and Water, may not be granted.

Of *Jean Baptiste Héneau* and others, of *St. Louis de Gonzague* and other Parishes, County of *Beauharnois*; praying to be indemnified for damage done to their property caused by the construction of a Dam at the head of the *Beauharnois* Canal.

Of *John French* and others, of the Parish of *St. Columba of Sillery*; praying that an investigation may be made into the causes of *Denis Tierney's* death.

Of the Reverend *F.A. O'Meara*; setting forth certain grievances, and praying relief.

Of *David Shaw Ramsay*, of the City of *Montreal*, Captain of No. 1 Troop of *Montreal* Active Volunteer Cavalry; praying that the men of the said Troop may receive Ten shillings per diem for ten days drill, instead of Five shillings, as proposed to be granted to them.

On motion of Mr. Solicitor General *Smith*, seconded by Mr. *Daly*,

Ordered, That the Petition of *John A. Donaldson* and others, be now received and read, notwithstanding the expiration of the time fixed by the Rules of the House for the reception of Petitions for Private or Local Bills.

And the said Petition was received and read; praying for an Act of Incorporation as the *Canadian Loan and Investment Company*.

Ordered, That the Petition of the Municipality of the Township of *Clarke*, be referred to the Standing Committee on Miscellaneous Private Bills.

Mr. *Hartman*, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Fourteenth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the following Bills, and have agreed to report the same without amendment, viz: —

Bill to amend and explain the Charter of the *Brockville* Gas Company:

Bill to enable the Municipality of the Town of *Chatham* to dispose of a certain piece of land granted to the said Municipality for the purpose of a Burial Ground, and to appropriate the proceeds to the purchase of a more eligible site for a similar purpose:

Bill to authorize the construction of a Dam and Water-power on the *Grand River*, at *Holmedale, Brantford*.

Also, the Bill to vest certain Road allowances in the Township of *Brantford*, in *George S. Wilkes*, with several amendments.

They have also examined the Bill to vest certain lands granted for Agricultural purposes in the Agricultural Societies of *Middlesex* and *Elgin*, with power to dispose of the same; and have agreed to certain amendments for admitting the Counties of *Huron*, *Perth*, and *Bruce*, which, at the time the said land was granted to the District of *London*, formed part of that District, to participate in the proceeds of the sale thereof.

Ordered, That the Bill to amend and explain the Charter of the *Brockville* Gas Company, be read the third time To-morrow.

The Honorable Mr. *Merritt*, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Seventh Report of the said Committee; which was read, as followeth: —

Your Committee have considered the following Bills referred to them: — Bill to incorporate the *Norfolk, Brant, and Wentworth* Railway Company, and Bill to incorporate the *Queenston* and Great Western Railway Company, and have agreed to several amendments to each, which they humbly submit for the adoption of Your Honorable House.

(456)

Ordered, That the Bill to incorporate the *Norfolk, Brant, and Wentworth* Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

Ordered, That the Bill to incorporate the *Queenston and Great Western* Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

On motion of Mr. *Turcotte*, seconded by Mr. *Laberge*,

Resolved, That this House doth concur in the Second Report of the Joint Committee appointed by the Legislative Council and Legislative Assembly for the direction of the Library of Parliament.

Ordered, That the Fourth Resolution submitted by the said Committee be transmitted by Mr. Speaker to the Lord High Chancellor of *Great Britain*, and to the Speaker of the House of Commons.

Ordered, That the Thanks of this House expressed in the Fifth and Sixth Resolutions submitted by the said Committee, be communicated by Mr. Speaker to the several Gentlemen named therein.

Ordered, That the Honorable *John Sandfield Macdonald* have leave to bring in a Bill for incorporating and granting certain powers to the *Canadian* Loan and Investment Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

Mr. *Sidney Smith*, from the Standing Committee on Standing Orders, presented to the House the Sixteenth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Petition of *William L. Smart*, of *Woodstock*, County of *Oxford*, and find the Notice sufficient.

On the Petition of the North Shore Railway Company, for authority to connect with any other Company to construct a Railway from *Pembroke* to Lake *Huron*, they find that no Notice has been given, the tract through which the proposed line would pass being yet unsettled, and consequently no papers published therein.

With respect to the Instruction of Your Honorable House, to report as to the expediency of suspending the 62nd Rule on the Petitions of the Honorable and Right Reverend *John Strachan*, Bishop of *Toronto*, and the Reverend *F.J. Lundy*, Rector of *Grimsby*; and of the Municipal Council of the County of *Brant*, Your Committee are of opinion, that it is not expedient to suspend the Rule in either case.

MR. COM. CR. LANDS CAUCHON moved to suspend the 62nd Rule, in relation to the Bill to provide for and encourage the construction of a railway from Lake Huron to Quebec.¹

MR. BROWN hoped the Commissioner of Crown Lands would give the house some explanation of this measure, of which they had heard so much.² Now that this great bill had been brought down, that hon. gentleman ought not, surely, [to] allow it to sink into such insignificance.³ He should explain also why the rule, requiring the publication of a notice, was to be suspended. Surely he did not mean to say that all the population along the line was to be left in ignorance of what was being done in regard to this great road. (Laughter.)⁴

MR. CASAULT. — There is no population.⁵

MR. COM. CR. LANDS CAUCHON. — And the reason for suspending the rule is, because there is no population, so that no notice can be given. If the hon. member for Lambton will let the rule be suspended, I will explain the nature of the Bill when I introduce it.⁶

MR. BROWN. — I think the explanation should be given now.⁷

Cries of "Spoke! spoke!" from the ministerial side.⁸

MR. SICOTTE the SPEAKER ruled that no member was allowed to speak more than once.⁹

MR. HOLTON would like to understand the motion. When the hon. the Commissioner of Crown Lands rose to suspend the rule of the House, in order to introduce this bill, it was due to the House that he should state its objects. The information sought for by the hon. member for Lambton ought to be given to the House. They should be informed why, at this stage of the session, they were called on to suspend their rules — what the importance of the measure was — and whether the inhabitants of that section of the country to be traversed by this road, had any notice of this measure.¹⁰

MR. COM. CR. LANDS CAUCHON explained that there were no inhabitants along the proposed line to consult. He did not see why hon. gentlemen should endeavor to drive him into a discussion of the subject now. In asking for a suspension of the rule, his object was to let those parties interested in the matter know what was going on.¹¹

MR. SANBORN said that the reason they asked for information was, that a petition on the subject had been presented to the Standing Orders Committee, and they had just reported against it. It was, therefore, an exceptional case.¹²

MR. CASAULT said that the hon. member for Compton was mistaken. There was no report against the bill.¹³

MR. SICOTTE the SPEAKER also stated that the report was not against the bill; but merely stated that no notice had been given.¹⁴

MR. SANBORN said that, at all events, there was every reason why the House should be furnished with some details of this measure. As it was a new country, with no population, there were, perhaps, wild animals there, whose territories it was proposed to invade.¹⁵ It would be at least interesting as a matter of curiosity, to know what the project is.¹⁶

MR. TURCOTTE would inform hon. gentlemen so desirous of information that the object of asking a suspension of the rule was to prevent the Grand Trunk from being killed off. (Laughter.)¹⁷

MR. A. DORION. — Is it intended that the North Shore Road shall pay the interest of the Grand Trunk? (Laughter.)¹⁸

The motion for suspending the rule was then put and carried.¹⁹

(456)

On motion of the Honorable Mr. *Cauchon*, seconded by Mr. *Turcotte*,
Ordered, That the 62nd Rule of this House be suspended as regards a Bill to provide for and encourage the construction of a Railway from Lake *Huron* to *Quebec*; and that the Standing Order of this Session, requiring the reference of the subject of this Motion to the Standing Committee on Standing Orders, be also suspended.

MR. COM. CR. LANDS CAUCHON moved for leave to introduce a Bill entitled, "An Act to provide for and encourage the construction of a Railway from Lake Huron to Quebec." He said the whole scheme was comprised in a very few clauses, and could be very briefly explained. He saw a long article this morning, in a newspaper known to the member for Lambton, stating what was to be done, and ought to be done. That hon. member seemed to know more about it, than he (Mr. Cauchon) did, and no explanation was necessary for that hon. member, but it might be necessary to others who were not in all the secrets. The object of the bill then was to give land to make a railroad from Pembroke to

Lake Huron, the companies empowered to make the road being the companies on the line from Quebec to Pembroke — the North Shore Railway Company, the Bytown and Pembroke Company, the Brockville and Ottawa, and the Montreal and Vaudreuil.²⁰

DR. MASSON. — We don't want the Vaudreuil Company to have anything to do with it.²¹

MR. COM. CR. LANDS CAUCHON. — Then you can change that.²²

MR. PRÉVOST. — What about the Montreal and Bytown Company? (Order!)²³

[MR. COM. CR. LANDS CAUCHON continued:] It was proposed to incorporate these four companies under the title of "The Lake Huron, Ottawa and Quebec Railway Company." This company will, it is provided, make the road and find the stock. The capital will be fixed. For building this road²⁴ from Pembroke or some other point on the Ottawa, between Pembroke and Ottawa, to Lake Huron,²⁵ this company will receive a certain quantity of land, as the work is proceeding. First, when the whole capital stock has been subscribed for and nine per cent. paid up and expended on the company's road, or deposited in some chartered bank for the company. Next, when a certain portion of the road was made, but not less than twenty-five miles. Now, he thought no person could object to such a scheme. If this company did not take up the work, then a provision was made by which other companies would do so. As it was now, the land was of no value, or very nearly so, but when this road was run through it, the land would acquire ten times its present value. Hon. gentlemen know well that in the United States the Legislative body granted lands for almost every purpose having a tendency to advance the prosperity of the country. They granted lands for purposes of internal improvement — deepening rivers, making canals, and railways. And what had they suffered by that policy? Absolutely nothing. But, on the contrary, they had been largely the gainers. It had produced settlement, and materially enhanced the value of the land. Hon. gentlemen were also aware that no less than 75,000,000 acre[s] of land had been given for the construction of the St. Mary's Canal. Under all these circumstances, he thought the House ought not to offer any objection to a proposition which would so greatly enhance the value of the public lands. Of these, there were, in the valley of the Ottawa, comprising the valley of Lake Nipissing, no less than 62,000,000 acres — the immediately available portion of which was about 13,000,000 acres of good land. The hon. gentleman then referred to a report of a Mr. Russell, of Ottawa, published in the report of the committee on Crown Lands, who had gone through every part of that country, as well as the opinion of all travellers, to prove the correctness of this statement. The hon. gentleman then proceeded to say that this grant would be a great encouragement to those parties undertaking the road.²⁶ They all knew too how the West was growing, and²⁷ if hon. gentlemen consulted the map, they would, too, see that the preferred line of road chosen by the Atlantic and Pacific Railroad Company — after five surveys — was the ground on the north side of Lake Superior, crossing at the Sault Ste. Marie, running along the north shore of Lake Huron, and then crossing to the valley of the Ottawa. Not only in the valley of the Ottawa, but also on the north shore of Lake Huron, was there very fine land. Nor was the climate at all so cold as many were disposed to believe. At the upper end of Lake Superior there was an immense quantity of superior land, where herds of buffaloes lived both in winter and summer.²⁸ But all that fine country was valueless, so long as nothing was done to open it up. There could be no reasonable objection to the Company being allowed to hold land, as it would be their interest to dispose of it to settlers as rapidly as possible.²⁹ Now he thought they were bound to take the initiative in opening up this tract of country, by passing such a measure as the present. He would further state, that every man who had been examined by the Committee on the Crown Land Department, had given his opinion against giving the land into the hands of private companies, and in favor of giving it to a railroad company. He did no[t] see how there could be any objection to the bill.³⁰

MR. BROWN asked the hon. gentleman to explain what was in the Bill, particularly as to the granting of the lands.³¹

MR. COM. CR. LANDS CAUCHON replied that he had already done so, and then recapitulated his statements respecting the company, and read some extracts from his bill. It was provided that the capital should be at the rate of so much per mile.³²

MR. BROWN. — How much?³³

MR. COM. CR. LANDS CAUCHON. — £6,000 sterling per mile, to be divided into shares of £25 each³⁴; ————— millions of acres of land were to be set apart for the company, none being given till 25 miles of the road were completed.³⁵

Several hon. gentlemen here enquired what quantity of the public lands were to be given to this company?³⁶

MR. COM. CR. LANDS CAUCHON stated, in reply, that the number of millions of acres was not specified.³⁷

[A member asked] another question³⁸.

MR. COM. CR. LANDS CAUCHON stated that the road should be commenced within three years and finished within five, or rather seven years. The hon. gentleman then moved the first reading.³⁹

DR. MASSON said he would oppose this Bill with all his strength. The French members of the district of Montreal, had agreed to support this scheme on the understanding, that it would be a North Shore Railway, and go on the North side of the Ottawa, and not to proceed from Montreal and go up the South side of the Ottawa. This was not the Bill to procure the passing of which he had combined with⁴⁰ hon. gentlemen from the district of Quebec.⁴¹ He was not disposed to give three or four million acres of land for such a purpose.⁴²

MR. LABELLE also op[p]osed the bill, even at its first reading, and would oppose the Government if it intended to trick the inhabitants of the North Shore of the Ottawa in this way.⁴³

DR. CLARKE would like to ask the Commissioner for Crown Lands, whether he had taken into consideration anything like the same scheme as this for the Western portion of the Province, because if not, when the second reading came on, an amendment should be made, so as to assist that section to couple to some of those important Railroads, for which the Province had already granted a charter.⁴⁴

MR. A. DORION hoped that the Hon. Commissioner for Crown Lands would inform the house whether the position of the line was definitely settled, and what was the extent of public lands to be granted to the company; also, whether they were granted unconditionally to this company, and whether there were conditions as to settlement and sale, or whether the maximum price was fixed, and whether they were to be unconditionally the owners and proprietors of the lands? He did not rise to oppose the Bill at its present stage, as he did not know what its features were.⁴⁵ He merely rose to say that in his opinion it was a blank bill altogether. It was blank as regarded its extent, the number of acres of land to be given to the company, the power of the company, and the amount which they would be required to pay before they became entitled to the land. It appeared to him that the two hon. gentlemen (Mr. Masson and Mr. Labelle) who had just spoken, had entered into a compact with the Government, pledging themselves to the North Shore Railway project, but were now dissatisfied because the present scheme was not such as they were pledged to support. This would require some explanation from the Crown Land Commissioner⁴⁶, [which] would be called for by the public and country.⁴⁷

CAPT. RHODES thought it would be better for the house to allow this Bill to be introduced in its present form now — (hear, hear) — but the Government should come forward at some early date

and explain to the house what is to be the future railroad policy of this country. (Hear, hear.) He believed it was understood some years ago that the policy of Sir Allan McNab was "Railroads." No doubt the present Government, under the leadership of hon. gentlemen, had a railroad policy at this moment, and it would be better for them to disclose it.⁴⁸

MR. COM. CR. LANDS CAUCHON, in answer to Dr. Clarke, said that the lands to be given were those to be traversed by the railroad; therefore there were no lands in the West in the same position.⁴⁹ In reply to Mr. Dorion, he contended that it was not usual to fill up the blanks⁵⁰, except in committee and upon resolution, and he intended between this motion and the second reading to bring in a resolution for the house to fill up the blank, as to the number of acres, &c.⁵¹ He hoped the members for Soulanges and Lavalle [sic] would not vote against the bill until they had read it.⁵²

DR. MASSON had certainly not read the bill, but had heard it explained, and the Crown Land Commissioner must know that he was never in favor of a road on the south side of the Ottawa.⁵³

MR. J.S. MACDONALD thought that the explanations of the hon. Commissioner of Crown Lands ought to be satisfactory to hon. members, especially the hon. member for Soulanges. Those hon. members who were so particularly interested in the subject now discussing [sic] would, no doubt, in the end, have their wishes gratified, but he (Mr. Macdonald) took it for granted that the Government had agreed to the scheme, and as to the quantity of land to be granted for carrying out this great project, and when the government come down and propose a grant of land to a Company, surely they ought to inform the house what is the decision of the Government, and what is the amount of land they intend to grant to this company to make the Road. The government he believed, had their plan well matured, and surveys made, yet they would not tell the house the value of this land. The hon. Commissioner of Crown Lands had stated that he possessed the report of Mr. Russell upon Crown lands. The house then would like to know what *he* puts down the value of this land to be, and when the hon. members knew that fact, and also⁵⁴ the length of the line from Quebec to the terminus on Lake Huron⁵⁵, they would be prepared to say when the principle of the bill came to be discussed, whether they are prepared to give this quantity of land to those contractors. In the absence of that information which the country ought to have before them, hon. members had a right to ask the hon. Commissioner to be more explicit in his information.⁵⁶

MR. LYON had not the advantage of hearing the explanation given by the commissioner of Crown Lands; but he would say that this proposition to confer such an extent of territory on an unincorporated Company, was a new one to him.⁵⁷ (Hear, hear.) The only return for which is the construction of such a road.⁵⁸ He was not prepared to say that he would vote for or against the project, but he must take time to consider. He understood that three millions of acres were to be given between Pembroke and Georgian Bay⁵⁹, and he must say it would be a very large and extensive grant. In the first instance Parliament had voted money for colonization purposes along this very line of country, amounting to £12,000 upon one occasion, and to £12,500 upon another. Where was that money expended? Why upon this very tract of the country, in opening up highways, which were originally intended for colonization; and now this large tract of land was proposed to be given to this Company. Thus the House was giving to them about £25,000 expended in opening the roads for the purpose of colonization, in addition to the land itself.⁶⁰ He was informed by the Hon. member for Pontiac that there are more timber limits in this tract of country than all those now worked upon the Ottawa river, that they are 250 in number⁶¹, and that the revenues derived from them represents [sic] a capital of 10 millions of money, (hear! hear!) In view of this fact, certainly before any such amount of money is given either to the contractors or this company, who may use it in any way they please without making any return to the Government,⁶² they ought to be furnished with a statement of the real value of the land, separated from its annual value.⁶³ And this ten millions of capital is irrespective of the real value of the soil itself, the land in that portion of the country being as valuable as any other in it. Before this great amount of land is given, the Government

should act warily, in order that they may not be subject to the preferment of a charge of having yielded to improper pressure in that House.⁶⁴ He hoped the House would be allowed time to look fully into the matter.⁶⁵

MR. COM. CR. LANDS CAUCHON replied that not one single copper of the colonization money had been expended on the land which it was proposed to grant this railroad. (Cries of nor never [sic] ought to be.)⁶⁶

MR. LYON expressed it as his belief that the hon. Commissioner of Crown Lands knew as much about where the money was spent, as where this line was to run.⁶⁷

MR. BROWN said he had waited with great anxiety to hear the Hon. Commissioner of Crown Lands or some other member of the Government state, whether this Bill was introduced as a Government measure. (The hon. gentleman here paused, waiting a reply — cries of "Go on.") What objection could there be to state whether it were so or not? When the Grand Trunk scheme came down, it was made a Government measure. True the mere charter was not, but the aid given to the company was an act of the Government. But here was a Bill not only chartering this road as a private company, but handing over to it several millions of acres of public lands⁶⁸. Now does the hon. Commissioner of Crown Lands mean to say that this is not a Government measure? Does he mean to introduce such a measure as a private bill? If he did, it seemed to him (Mr. Brown,) a most extraordinary proceeding. The hon. Commissioner of Crown Lands had informed them that this road was to run through 62,000,000 acres of valuable Crown land — some 13,000,000 acres of which were of a very valuable description; and he proposes to take 3,000,000 or 4,000,000 of these acres lying near the proposed line, and hand them over to this company. Now, only fancy such a scheme! After sitting in that House for 70 days — without any information on the subject — without being informed as to the number of acres to be given — without a word as to the extent of the line — without a word as to whether the lands were conditionally or unconditionally granted — without any notice being given of the measure — and the country taken by surprise — they were now asked to suspend the rules of the House and allow of the introduction of a Bill about which, as he had before stated, they knew absolutely nothing whatever. All this too, within a few days of the breaking up of the House.⁶⁹ And how came the Government to act in so strange a manner? It was a well known fact that the Government had been firmly opposed to this scheme; that they were pressed to bring it forward and at first refused; but great pressure being brought to bear by certain hon. members of the house, they felt themselves compelled to abandon their position and bring down this Bill. If the Government submitted to the position of bringing in a Bill of this description under such coercion — if they could be forced to bring down such a measure by a few supporters from the mere fear of losing their places,⁷⁰ [they were] no longer deserving the confidence or support of that House or the country. Such a course was entirely at variance with our constitutional system⁷¹, [and] the sooner that a total change took place in the constitutional system of the country the better. Nothing could be better calculated than this to drive the people of Canada to the adoption of the constitutional restrictions of the American system of government.⁷²

An hon. Member. — Have you come to that now?⁷³

[MR. BROWN continued:] For himself ... he had long clung to the British constitution; but he was free to confess that he was fast losing all hope of that system working successfully in this country. He could not close his eyes to the fact, that there would be some protection for the people against the outrageous proceedings they saw every day enacted, in a written constitution, and severe restrictions on the power of the Legislature. (Hear, hear.) He had almost, he confessed, come to the conclusion that no other course was open. If any dozen gentlemen in the house could go to the Government, pistol in hand, and say, "If you do not give us our measures, here is at you," (hear, hear,) and get what they want, the amount of corruption would shortly be overwhelming.⁷⁴

MR. J. MORRISON. — Who said pistol in hand?⁷⁵

MR. BROWN did not mean to say that they went with fire-arms in their hands; but they used a moral force much stronger than could have been dictated, even with a weapon of that kind; and that they did succeed was evident. Such a course was entirely destructive of our system of responsible government⁷⁶. The Government, on this occasion, had yielded to the commands of a few gentlemen from the north shore of the St. Lawrence; and who would come next? The hon. member for Wellington says he is determined to have something for his part of the country; and supposing the other member for Wellington, and the two for Waterloo, and the members for Grey and Perth were to go to the Government and say to them, "Now you have given this grant to the North Shore Railroad, we want something also, and if you give it us you shall have our votes." And then supposing that the hon. members for Russell, Carleton, Prescott, and the city of Ottawa, should join together and say, "We are determined to have a canal constructed from Lake Huron to Ottawa, or we vote no more for you," where would all this end?⁷⁷ Might not the whole land of the country be thus extorted by interested parties?⁷⁸ Could anything more demoralizing, or injurious to the whole interests of the country be imagined, when we had a Government in power who would yield anything rather than give up office?⁷⁹ Does the Attorney General mean to say that he is desirous that this scheme should succeed? Does he mean to say that he has given it his consent? Do the members of Government from Upper Canada mean to say that they have sanctioned the introduction of this measure while we have no knowledge whatever given us of the parties to whom this land is to be given?⁸⁰ The hon. gentlemen sitting on the treasury benches would only be speaking the honest conviction of their minds if they wore [sic] now to rise up and declare that they merely submitted to the scheme being introduced, because of the influence, of the Commissioner of Crown Lands and his followers.⁸¹ (No, no.)⁸²

MR. AT. GEN. J.A. MACDONALD denied this.⁸³

MR. BROWN appealed to the House if they had not yielded on that score alone. The hon. member for Russell (Mr. Lyon) had asserted, that in the four millions of acres there were 250 timber limits in that portion of the Province representing a capital of £10,000,000 currency.⁸⁴ Would they say that this land was to be given away for such a purpose?⁸⁵

MR. AT. GEN. DRUMMOND. — That is one of the strongest arguments that could be used in favor of this road.⁸⁶

MR. BROWN. — Well that may be an argument in favor of the construction of a road, but not in favor for its construction in this particular way. At all events when a member from that part of the country stands up and says that it is worth £10,000,000, and when Government say it is not worth so much, it was quite clear that Government were not in a position to vote upon the question at all.⁸⁷

MR. FERRES. — It is worth about £600,000 a year.⁸⁸

MR. BROWN. — Would the hon. member be pleased to wait till he (Mr. Brown) sat down, and then he would have an opportunity of addressing the House.⁸⁹ Was it not clear that if these statements were [a] matter of doubt, the House had not proper information, and was not in a condition to legislate upon the subject?⁹⁰ Government should not have it in their power to say hand over this money — without first giving the House some information about the scheme, for it was perfectly clear that they had been coerced into the matter themselves.⁹¹ If the land and the timber limits were so valuable — nay, if doubt existed upon it — should not Surveyors be employed to settle the point before the House proceeded to legislate? The Legislature of the country ought certainly to know what it was giving away before it made such a grant; was it wise to hand over such an immense tract of land to a private corporation? Would such a company be a fit agent for rapidly settling those lands? No; all the most valuable

parts of it they would retain for an increased price, and the refuse they would give for cultivation by settlers. It had been said that this scheme was a concoction of Mr. Baby and the Hon. Commissioner of Crown Lands. They went to France together last session, and, it is said, obtained parties to take hold of the scheme with a view to settling it with a Roman Catholic population⁹² — and then they are to hand over these three or four millions of acres of land to these European capitalists, so that they may make a profit out of them to pay them for the road. Was it not clear that it was the most unwise policy they could adopt — to hand over this land beyond their own control in that manner. Suppose it were less valuable than it had been stated, it would just be sending forth another bubble scheme⁹³ like the Grand Trunk⁹⁴ upon the world to bring discredit upon the country. They would be just risking their reputation by it.⁹⁵ This was a most important step, and required serious consideration before being taken. After the experience the country had acquired by the Grand Trunk line, should the house not be very guarded before it ushered such a scheme as this into existence? He would not oppose the first reading of the Bill, but upon the second reading the house would be in a better position⁹⁶ to pronounce upon it, and the progress of the other schemes would be a little more developed by that time.⁹⁷

MR. MACKENZIE said such a bill should be opposed at every stage.⁹⁸ [He] was sorry not to see the Inspector General in his place, as he had originally complained of Mr. Hincks having originated a lot of schemes, which he (the Inspector General) could not get on with⁹⁹, and it was very evident that the present Government were pursuing the same course.¹⁰⁰ At this moment the Government were sacrificing all considerations to keep their places against the will of the country. (Hear, hear.) Wherever you go the Government are spoken of in terms of great contempt, and they would be brought under the lash of the Solicitor General West, if a jury could only be got together to try them for their delinquencies. Who could take up the newspapers published in any part of the country without seeing the evidence of the people's dislike of the profligacy of the present Government. Now if he understood rightly, the Government proposed upon this occasion to give several millions of acres for the construction of another railroad, while the proposal was made by the Government formally to give up our prior right to one railroad, in consequence of a number of such things being done at the very same time, and in order to keep a certain number of hon. members¹⁰¹ who vote right or wrong for the ministry upon all occasions,¹⁰² this present measure was brought in to construct a road on the north side, while on the south side of the St. Lawrence the railroad there had scarcely been able to pay enough for grease to keep the wheels revolving. What sense was there in all this? He was well aware that all *he* could do was to complain of such a proceeding, and to point out to the public the iniquity and evil of it. All the land which was sold for public purposes last year, belonging to the Government in Lower Canada, only brought £3,000. With all the railroads at present constructed, in view of that small result, what use was it making others? Was it just to go on in this headstrong way, running the country into two or three millions of debt every year? Why go on and plan new schemes which can only end in the bankruptcy of the Province itself?¹⁰³ They had three million of dollars in hard cash to pay in Europe, and he did not know when they could get it if they were to have low prices as was now expected, seeing that peace had again been restored.¹⁰⁴ He admitted that this was a rich country, but no more could be obtained out of the pockets of agriculturists than what they really have in them. Where was this £2,000,000 or £3,000,000 to be paid from? No reply could be honestly given of a satisfactory kind. Then why not stop proceeding with new measures? It was very evident what the honourable gentlemen from Lower Canada wanted [was] only to pillage Upper Canada, by the carrying out of schemes like the present. As long as those hon. gentlemen could do that, they were satisfied to continue the Union, but the moment that Upper Canadians were strong enough to take care of themselves, the Lower Canadians wanted to be off. Every one knew what the Provincial Secretary's sentiments were. He (Mr. M.) would take care to place this matter on record for the public benefit, and the Provincial Secretary's and Inspector General's conduct. (Question! question!! question!!!) — He was willing that the question should come, but the people were in no way friendly to

this measure. It would be a wise measure for any hon. gentleman to move as an amendment, that the house do call upon His Excellency to prorogue it immediately, leaving the people to act for themselves without such a government as this. For his own part, he was willing to go back to his constituents, but if the hon. gentlemen opposite could go back to theirs, and then re-take their seats in the house, he would never wish to sit in it again. (Hear, hear.)¹⁰⁵

MR. MURNEY said before the question was put, it was but fair for the government to state to the house, whether they wished to make this "a close government question." If they did not, and the hon. Commissioner for Crown Lands came forward and asked the house as an independent member, that this country should give him 3,000,000 acres of land for the construction of this road, the results of which no one could foresee, it was most extraordinary. He would put it to the administration, whether they intended this as a government measure, or whether they intended that an independent member should ask the house to vote away this large amount of land without the requisite information being laid before it?¹⁰⁶

MR. AT. GEN. DRUMMOND said the hon. member had no doubt introduced this measure on his own responsibility; but at the same time Government intend to come down with a proposition that three millions of acres of land be given for the purpose of enabling the parties to construct this road from Pembroke to Lake Huron. These lands would be given along the track of this road,¹⁰⁷ for the purpose of benefiting the country, and opening, not only its agricultural resources, but its lumbering. The Government were quite ready to assume the responsibility of the appropriation.¹⁰⁸

MR. RANKIN was sorry to hear this explanation given by the Attorney General East. He (Mr. R.) could not understand how the Administration could separate the one clause from the rest of those in the Bill, and say, that while one individual was to take the responsibility of the Bill in general, that the Government would only be responsible for one clause in that Bill (hear, hear). He (Mr. R.) was not animated by any unkindly views towards the Government, but he regretted to find the Government taking their present course. It was not that manly course which became a Government to adopt, placed in the position that they now were. (Hear, hear.) It savoured of a disposition upon their part to give an evasive answer to the demand made upon them.¹⁰⁹ The question of appropriating so large a quantity of land was one of vast importance, and it ought to be assumed in subatantive [sic] or direct connection with the bill.¹¹⁰ The Bill, without the clause appropriating these 3,000,000 of acres would be a nullity, and the Government would find it difficult to persuade even the most credulous gentleman in that house, that this Bill would have been introduced by the Commissioner for Crown Lands, unless it was understood that the Government were to give their support to this clause.¹¹¹

MR. AT. GEN. DRUMMOND thought he had already explained very plainly that it is the intention of government to come forward with a proposition to this House as a Government, that an appropriation of land should be made in aid of that road, in order that that road should be made¹¹², upon the conviction that it would be for the interests of the country, and would promote the settlement of the waste lands of the Crown in Canada.¹¹³ If the hon. gentleman did not understand that he would say that he had failed to express himself as clearly as he had intended and as he thought he had done. This was the proposal the Government intended to make. But as to the precise number of acres, whether 3,000,000 or 4,000,000 he did not think the Government were called upon at the mere introduction of the measure to explain. They would, however, make their explanation when the second reading of the bill comes on. They would then be prepared to declare what the intentions of the Government were in regard to this measure. They would then be able to show the falsity of the accusations charged upon them that they had been driven into this course.¹¹⁴ (Hear, hear.)¹¹⁵

MR. RANKIN regretted that it was his misfortune not to be gifted with those clear powers of perception which nature had bestowed upon the hon. Attorney General East, but he was not to be censured for

that. (Laughter.) If he (Mr. Rankin) could have created himself (laughter) he would have made himself a much more clever man than that hon. gentleman, and if he had failed to understand what the hon. gentleman had stated, it was on account of a defect in some of those high powers of perception which the hon. gentleman evidently possessed. (Laughter.) But he did not think that anything he (Mr. R.) had said, called for so tart a rejoinder from the Attorney General East.¹¹⁶

MR. AT. GEN. DRUMMOND said, if he had spoken warmly, it was not in allusion to anything that the hon. gentleman had said, but in allusion to the accusations brought against the Government intimating that they had been driven into a measure which they would not conscientiously have given their assent to without compulsion.¹¹⁷

MR. RANKIN said, that according to his dull powers of conception, any body might collect from the language of the Attorney General that he (Mr. R.) was among the number of accusers of the Government, but he (Mr. R.) was prepared to give his support to a project of this description, at the same time, that he must express his regret that a course should have been taken by the ministry which to his mind was debateable, because the Bill without the clause for the appropriation of land would be of no avail. Why could the hon. Attorney General not have said in a straightforward manner, that which was evidently the intention of the Government, in words like these "We do assume the responsibility of this Bill — it is introduced with our consent, and is, therefore, a Government Bill; the land clause, and every other has our approval," but it was evident to every hon. gentleman of even his small intelligence (laughter) that the Government had not acted straightforward. (Hear, hear.) He (Mr. R.) was prepared to support the measure because that he approved of it, and when the second reading of the Bill came on, he would enter at greater length into his reasons for entertaining a favourable opinion of this project.¹¹⁸

The motion for the Bill being read a first time was then put and carried.¹¹⁹

MR. COM. CR. LANDS CAUCHON then moved, "That the Bill be read a second time on Tuesday next."¹²⁰

[This was also] carried.¹²¹

(457)

Ordered, That the Honorable Mr. *Cauchon* have leave to bring in a Bill to provide for and encourage the construction of a Railway from Lake *Huron* to *Quebec*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

MR. COM. CR. LANDS CAUCHON then moved to suspend the 71st Rule of the house so far as related to this Bill. The following is the rule: — "That no Committee on any Private Bill based upon a petition, notice of which is required by the 62nd Rule, shall sit thereupon without first causing a week's notice of the day of sitting to be set up in the Lobby."¹²²

MR. HARTMAN wanted to know the object of this motion?¹²³

MR. COM. CR. LANDS CAUCHON said it was to send the Bill immediately to the Railroad Committee, that it might quickly come before the house.¹²⁴

MR. HARTMAN thought there was plenty of time.¹²⁵

MR. BROWN said the house could not tell what shape the Bill was to take. It would be ample time to suspend this rule when the Bill passed its second reading. Such a proposition as this was never made.¹²⁶

MR. GALT would like the house to wait for the Bill.¹²⁷

MR. LYON thought it a singular thing that this bill indirectly to appropriate an immense quantity of public lands situate in Upper Canada should emanate from a Lower Canadian member of the administration, (hear, hear,) and also that the rules of the House should be suspended to admit a private railway bill, of which the inhabitants through whose neighborhood the line is intended to pass ... had no notice whatever of its introduction or provisions. He considered this result due to the combination of Lower Canadian members ... who stick together to attain their purposes, and who always manage when it comes to a division of the spoils to get nine-tenths of the plunder.¹²⁸

MR. MARCHILDON (in French) ... [spoke] against railroad legislation.¹²⁹

MR. MACKENZIE asked if this motion could come up out of the regular order.¹³⁰

MR. SICOTTE the SPEAKER said, being a Government measure, it could be proposed in the order of the government measures.¹³¹

MR. HARTMAN. — Was he then to understand that it was a government measure.¹³²

MR. SICOTTE the SPEAKER. — The hon. gentleman will see that it has the name of one of the members of government upon it, and is brought in by a member of the government.¹³³

The motion was then agreed to without a vote.¹³⁴

(457)

The Honorable Mr. *Cauchon* moved, seconded by Mr. *Turcotte*, and the question being put, That the 71st Rule of this House be suspended in so far as regards the Bill to provide for and encourage the construction of a Railway from Lake *Huron* to *Quebec*; the House divided: — And it was resolved in the Affirmative.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz: —

Bill, intituled, "An Act for the punishment of the Officers and Servants of Railway Companies contravening the By Laws of such Companies to the danger of person and property:"

Bill, intituled, "An Act to incorporate the *Ontario* Hotel Company:"

Bill, intituled, "An Act to separate the County of *Bruce* from the County of *Huron*:"

Bill, intituled, "An Act to naturalize *Hervey Killam*:"

Bill, intituled, "An Act to authorize *Henry Wulff Trigge*, Esquire, and others, to construct a Toll-bridge on the Northeast branch of the River *Nicolet*, near the Church of the Parish of *Ste. Monique*, in the County of *Nicolet*, and to incorporate the said *Henry Wulff Trigge* and others, under the name of the *Ste. Monique* Bridge Company:"

Bill, intituled, "An Act to make further provision for the Geological Survey of this Province:"

And also,

The Legislative Council have passed the Bill, intituled, "An Act to amend the Act relating to Savings Banks," with several Amendments; to which they desire the concurrence of this House: And also,

The Legislative Council have passed the Bill, intituled, "An Act to extend the line of the *Port Dalhousie* and *Thorold* Railway Company," with several Amendments, to which they desire the concurrence of this House: And also,

The Legislative Council have passed an Address to Her Most Gracious Majesty the Queen, expressive of their humble Thanks to Her Majesty, and to Her August Ally, the Emperor of the *French*, for the very valuable Donation of Books and Maps with which Their Majesties have been pleased to enrich the *Canadian* Parliamentary Library, to which their Honors desire the concurrence of this House.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

(458) We, Your Majesty's dutiful and loyal subjects, the Legislative Council and of *Canada*, pray that Your Majesty will be graciously pleased to accept our most respectful and grateful thanks for the proofs of Your Majesty's solicitude in all that concerns the moral, intellectual, and material progress of this portion of Your Dominions, which have been afforded in the munificent Donations made by Your Majesty, through Your several Officers of State, consisting of Books, Maps, and Engravings, in aid of the re-construction of the Library of the *Canadian* Parliament, which repeated disasters had almost entirely destroyed. The gratitude of the Legislature is the more deeply felt inasmuch as the present is not the first time wherein we have experienced the liberality of Your Majesty, in causing the *Canadian* Library to be enriched with collections of Works valuable for the purposes of literary research, and useful in aiding the business of Legislation.

At the same time, we desire respectfully to solicit Your Majesty to be pleased to convey, through the proper channel, to Your powerful and august Ally, the Emperor of the *French*, the most sincere and heartfelt thanks of Your *Canadian* subjects, for the splendid Donations of Books and Maps presented to the Library of Parliament by the different Administrative Departments of the *French* Government, to whom likewise, we are indebted for similar liberality extended to us on a former occasion.

We avail ourselves of the present opportunity to renew the assurances of our loyalty and attachment to Your Majesty's Person and Government.

And then he withdrew.¹³⁵

On motion of MR. HOLTON,¹³⁶

(458) The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to amend the Act relating to Savings Banks;" and the same were read, as follow: —

Page 1, line 20. Leave out "first."

Page 2, line 5. Leave out from "exceeding" to "pounds" and insert "four hundred."

The said Amendments, being read a second time, were agreed to.

Ordered, That Mr. *Holton* do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments.

On motion of MR. MERRITT¹³⁷,

(458) The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to extend the line of the *Port Dalhousie* and *Thorold* Railway Company;" and the same were read, as follow: —

Press [sic] 2, line 7. After "infants" insert Clauses (A.) and (B.)

Clause (A.) "The Town Council of the Town of *St. Catharines* may acquire and hold the Stock of the said Company at present held by private Shareholders, and whenever the said Council shall have acquired and shall hold the whole of the said shares now held by private Shareholders, then and thereafter each share of the Stock of the Company held by any Municipality shall entitle such Municipality to one vote in the election of Directors, and the head of each such Municipality shall represent such Municipality at all such elections, and shall exercise such right of voting under the instructions of the Council of his Municipality; but the head of any Municipality holding Stock in the Company shall not, after such purchase by the Town Council of *St. Catharines* of all the Stock held by private Shareholders, be a Director *ex officio*."

Clause (B.) "In addition to the persons already qualified to be Directors of the said Company, any person residing in any Municipality which lies on the line of the said Railway, and which holds Stock in the Company, who shall be possessed of freehold property in such Municipality of the value of Seven hundred and fifty pounds, over and above all incumbrances thereon, may

be elected a Director of the said Company, without its being necessary that such person should possess any Stock in the said Company."

The said Amendments, being read a second time, were agreed to.

Ordered, That the Honorable Mr. *Merritt* do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments.

Ordered, That the Bill to vest certain lands granted for Agricultural purposes in the Agricultural Societies of *Middlesex* and *Elgin*, with power to dispose of the same, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow.

(459)

Mr. *Stevenson*, from the Standing Committee on Printing, presented to the House the Seventeenth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the following Returns to Addresses, and Petitions, and recommend that they be printed, viz: —

Return to an Address of the 14th April last, for Statement relative to applications of Grand Trunk Railway Company for releases of Provincial Debentures, and for copy of any Memorial from the Company since the first of January, 1856. The usual number to be printed: estimated cost, Eighty-five pounds.

Return to Address of the 29th February last, for a Return of — 1st. The total number of acres of Clergy Reserves which have been sold, giving the yearly sales and average price per acre. 2nd. The gross amount which such sales have produced. 3rd. The expenses charged for selling, shewing the per centage on each year's receipt. 4th. The nett [sic] amount received, and how invested. 5th. The amount of commutation money paid respectively to the parties and bodies referred to in the third Clause of the 18 *Vic.* cap. 2, designating the mode of payment, the description of security, and the amount in money. 6th. Also, the number of acres unsold, stating the Townships in which they are situated, and the average price per acre at which they are sold. 7th. The amount due on sales made prior to the passage of the above recited Act. 8th. The amount now on hand, what proportion invested, in what description of securities, and in cash. 9th. The amount of capital retained to pay the stipends under the provisions of the fourth Clause of said Act, what proportion thereof is in debentures and other securities, or in cash. 10th. The amount of the available balance on hand, and how invested. The usual number to be printed: estimated cost, Thirty-five pounds.

Return to an Address of the 28th April last, for copy of Presentment of Grand Jury of *Montreal*, in March last. The usual number to be printed: estimated cost, Two pounds five shillings.

Petition of *John Bush Seymour*, of the Village of *Frelighsburg*, hatter, executor of the testament of the late *Richard V.V. Freligh*, praying that the Bill now before the House to incorporate the *Frelighsburg* Academy or Grammar School may not become law. The usual number of copies: estimated cost, Three pounds ten shillings.

Petition of *Donald Fraser* and others, of *Ste. Cécile du Bic* and other Parishes, praying for a grant to construct a Wharf at *Old Bic* Harbour. The usual number of copies: estimated cost, Two pounds ten shillings.

Petition of *Martin McKinnon*, of the Township of *Vaughan*, County of *York*, representing that he was the occupant of a Clergy Reserve lot in the said Township, which was afterwards erected into a Rectory and of which he is about to be deprived, and praying that his case may be inquired into. The usual number of copies: estimated cost, Three pounds ten shillings.

Ordered, That Mr. *James Smith* have leave to bring in a Bill to afford relief to Trustees, Executors, and Administrators.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

On motion of the Honorable Mr. Attorney General *Drummond*, seconded by Mr. Solicitor General *Smith*,

Ordered, That the Orders of the day be now read.

[On motion of] MR. J. MORRISON¹³⁸,

- (459) A Bill to amend the Charter of the *Ontario, Simcoe, and Huron* Railroad, was, according to Order, read the third time.
- (460) *Resolved*, That the Bill do pass, and the Title be, "An Act to amend the Charter of the *Ontario, Simcoe, and Huron* Railroad Union Company."
- Ordered*, That the Honorable Mr. *Morrison* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. MUNRO¹³⁹,

- (460) A Bill to vest in *John Farley*, the younger, of the Township of *Darlington*, gentleman, the allowance for Road between the North halves of lots numbers eighteen and nineteen, in the fifth concession of the Township of *Darlington*, was, according to Order, read the third time.
- Resolved*, That the Bill do pass, and the Title be "An Act to vest in *John Farley* the younger, a certain allowance for Road in the Township of *Darlington*."
- Ordered*, That Mr. *Munro* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. MACBETH¹⁴⁰,

- (460) A Bill to vest in *James Taunton* a part of original allowance for Road between lot number forty on *Talbot* Road east, and number ten in second range east of River Road, in the Township of *Southwold*, was, according to Order, read the third time.
- Resolved*, That the Bill do pass, and the Title be, "An Act to invest in *James Taunton* a certain allowance for Road in the Township of *Southwold*."
- Ordered*, That Mr. *Macbeth* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. S. SMITH¹⁴¹,

- (460) A Bill to authorize a Survey of Broken front Concession of the Township of *Darlington*, was, according to Order, read the third time.
- On motion of Mr. Solicitor General *Smith*, seconded by the Honorable Mr. *Spence*,
A Clause (Upon such Survey being made, it shall be the duty of the said Municipal Council to furnish to the Commissioner of Crown Lands a certified copy of the same, and the field notes, plan, and report thereof,) was thrice read; and added to the Bill.
- Resolved*, That the Bill do pass, and the Title be, "An Act to authorize a Survey of Broken front Concession of the Township of *Darlington*, and for other purposes."
- Ordered*, That Mr. *Sidney Smith* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] DR. CHURCH¹⁴²,

- (460) A Bill to vest in *Daniel Burritt* a certain allowance for Road in the Township of *Marlborough*, was, according to Order, read the third time.
- Resolved*, That the Bill do pass.
- Ordered*, That Mr. *Church* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] DR. McDONALD¹⁴³,

- (460) A Bill to enable the Municipal Council of the Town of *Cornwall* to appropriate the surplus of certain moneys raised for making a macadamized Road, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. *Roderick McDonald* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. A. DORION¹⁴⁴,

(460) A Bill to amend the several Acts incorporating *La Banque du Peuple*, of *Montreal*, was, according to Order, read the third time.

Resolved, That the Bill do pass.

(461) *Ordered*, That Mr. *Antoine Aimé Dorion* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. BOWES¹⁴⁵,

(461) A Bill to incorporate the *Victoria Mining Company*, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. *Bowes* do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to amend the Acts relating to Duties of Customs, being read;

The Honorable Mr. *Cayley* moved, seconded by the Honorable Mr. Attorney General *Macdonald*, and the Question being proposed, That the Bill be now read the third time;

MR. HOLTON had an amendment to offer to the bill, which he hoped the Inspector General would accept.¹⁴⁶ [He] moved in amendment that the Bill be re-committed with a view to altering the period of the Tariff coming into operation from the 15th of June to the 5th of July.¹⁴⁷ The hon. gentleman explained that by allowing the bill to take effect from the 15th June, some of the merchants, receiving their spring importations late would be subject to a disadvantage — but if the time was extended to the 5th of July, the spring goods would than [sic] be all forwarded.¹⁴⁸ The reasonableness of his amendment would be manifest, as it would establish the line of demarcation between the spring and fall importations.¹⁴⁹

MR. INSP. GEN. CAYLEY had desired to relieve the spring importations from any pressure by the increased rate of customs. For this purpose he had endeavored to fix on a day which would enable all the spring shipments to come to hand easily¹⁵⁰ and it was considered that the middle of June would be the most appropriate time.¹⁵¹ If the member for Montreal assured him that any portion of the shipments by the St. Lawrence would not come in by that day, he would not oppose the motion in amendment. But he did not see the necessity of going into committee, as the amendment could be made after the third reading.¹⁵²

MR. SICOTTE the SPEAKER said the proper time to make the amendment was after the Bill had been read a third time, as it would save the trouble of resolving into committee of the whole on a matter not disputed.¹⁵³

MR. HOLTON would withdraw his amendment, and move it after the third reading. He expressed his gratification at the readiness with which his amendment had been accepted by the Inspector General, but he purposed to offer another amendment and push it to a vote.¹⁵⁴ He said it would be remembered, that he endeavoured to elicit from hon. gentlemen opposite some explanation of the statements he made regarding information having been communicated by them to parties at a distance by telegraph privately, with respect to the period at which these new regulations were to come into force, in advance of its announcement upon the floor of this House. He would state the facts as briefly as possible, as he had

no wish to prolong the debate. On Friday week, during the debate on the tariff, he took occasion to ask the Inspector General at what date he intended his Bill to take effect. The hon. gentleman declined to give that information. He stated that Government had not made up their minds upon that point. He did not press the hon. gentleman further, but he was desirous to get the information as early as possible; a day or two elapsed, and the Montreal papers of the morning of the same Friday came to hand, containing the extraordinary information that the period at which the tariff would come into operation was the 15th of June, and stating that their authority was a telegraphic [sic] despatch from the Provincial Secretary¹⁵⁵ to some Merchants in Montreal.¹⁵⁶ This statement appeared in two newspapers. The *Gazette* and the *Advertiser*, both papers friendly to the Administration. The Secretary of the Montreal Board of Trade communicated the same fact to him (Mr. Holton) by letter.¹⁵⁷ He did not complain of the refusal to give information on the part of the Inspector General, but ... certainly¹⁵⁸ there was no rule of constitutional practice better established and more rigidly observed in England than that of announcing the policy of the Government, whether imposing new taxes or changing old ones, or creating a loan — in all these cases the first announcement is made on the floor of the House. And no precedent, he thought, would be found in recent English practice for such a communication having been made, as he believed had been made, by the Provincial Secretary. If that gentleman was prepared to deny that he had made such a communication, the question would there drop. He would wait, therefore, for an explanation from the gentlemen on the Treasury benches — and would move, that before passing the third reading of this measure to increase the duties and customs, — It be resolved, “That this House has learned with regret that members of the administration have given information with regard to the date at which the proposed tariff shall come into effect, before communicating the same to this House, and that [sic] thereby a course has been adopted at variance with constitutional practice and most prejudicial to the general interests of the community.”¹⁵⁹

MR. INSP. GEN. CAYLEY hoped the motion would not be pressed. In the first place, he did not think it strictly in order to move it as an amendment to the third reading of the Bill. And further, he did not think that the observations of the member for Montreal had done full justice to his hon. friend the Provincial Secretary.¹⁶⁰ A measure of the nature of a Customs bill is left, it is well known, a good deal to the discretion of the Finance Minister. On him rests the responsibility of making the calculations as to the revenue which may be expected from the ordinary trade of the country, and as to the necessity of making provisions for any extraordinary demands. His first object had been then to ascertain what measures were to be taken for the purpose of meeting the demands now made on the Province, and then to fix on a date when the new tariff could be put in force without pressing unequally on any portion of the mercantile community. After making enquiries, he came to the conclusion, that if it went into force about the beginning or middle of June he should hit it, as the spring shipments would then have come to hand; but until the very moment when the bill was in his hands ready to lay before the House, another date had appeared in it, so that if the Provincial Secretary had made use of the information furnished by the bill he would have sent a wrong date. And when the Provincial Secretary had telegraph[e]d that information to Merchants in Montreal, he had not done so in any underhand manner; but openly and undisguisedly as the publication referred to in the newspapers proved. — There was consequently no breach of confidence so far as regards the House or the public. He (Mr. Cayley) had ascertained from inquiry, that about the middle of June would be the date, and that may have led him to communicate it to persons in Montreal. That the Provincial Secretary had communicated with them would not be denied, but it is utterly incorrect to suppose that he had communicated a date fixed, because it was wholly out of his power to do so, the date not having been fixed till the bill was laid before the House; and it is utterly incorrect to suppose that it was communicated to serve any private ends, as its immediate publicity would prove. He trusted, therefore, that the member for Montreal would not force his motion, as it was unjust to the Provincial Secretary — the very fact of his having yielded so readily to the suggestion of the hon. member to change the date from the middle of June to the 5th of July would alone show that no date had been agreed upon.¹⁶¹

MR. A. DORION did not think the explanation of the Inspector General such as should satisfy the House.¹⁶² If he had heard the Inspector General correctly, [he] understood that the Provincial Secretary had sent information before the date was actually fixed. Yet it appeared that the Provincial Secretary had telegraphed positively, and he presumed the date he sent was that fixed at the time he telegraphed.¹⁶³ He knew merchants that had been put to considerable inconvenience raising money to get their goods out of bond before the new law came into force, not having a friend in the administration to inform them that there was no hurry, as the tariff would not take effect until the middle of June. If information was given upon this point it might be given upon others.¹⁶⁴ And railway and other speculations could be made in this manner for private advantage.¹⁶⁵ He thought it necessary that the house should express its opinion on a proceeding which went to sap the confidence reposed in the administration of public affairs.¹⁶⁶ He hoped, therefore, that the hon. member would not withdraw his motion.¹⁶⁷

MR. WILSON could not conceive how such a thing could have occurred if English practice regulated them, as it ought to do.¹⁶⁸ What would the people of England say to a minister of the Crown who conveyed to a merchant in Liverpool on [sic] Glasgow, information relative to the date when the tariff would come into operation, when such information [sic] was refused in the House? What they would say, the people of this country should say — they should visit the minister of the crown who had done this with their greatest displeasure.¹⁶⁹ This [communication] ought to receive the censure of the House, because they were entitled to receive the first information upon anything affecting the trade of the country, and he was sure had the Provincial Secretary reflected on the subject he would not have done it. It was necessary, however, to mark with disapprobation the derilection [sic] of a necessary and very important rule of this House, and he hoped the sense of the House would be taken upon it.¹⁷⁰

MR. INSP. GEN. CAYLEY said it was hardly fair to insinuate that the hon. Provincial Secretary communicated the information to some friend — when it was a fact that it appeared immediately in the newspapers for the information of all the merchants in the country.¹⁷¹

MR. BROWN said that, for aught that appeared, the Provincial Secretary's friends might have been in possession of the information for several days before it was made public. And why was it that to this moment the Provincial Secretary kept silence, and allowed his colleagues to speak for him? The hon. gentleman was of age, and was competent to speak for himself. (Laughter.)¹⁷² All the House knew on this subject was, that they could get no information on the subject, and that others had information which they may have used. This was improper and highly discourteous to the House.¹⁷³ It was one of the greatest matters that could come before them, and the hon. member for London had taken the proper view of it.¹⁷⁴ In England, such conduct on the part of a minister of the Crown would have destroyed any Government, and very properly so. He thought that no case could come before a legislative body, where censure would be more clearly required than in this.¹⁷⁵

MR. ROBINSON thought the Opposition were making a great deal out of nothing in this case.¹⁷⁶ The Inspector General had, in the most courteous manner, given way to a notice for the change of the date from the 15th June to the 5th July, which the hon. gentleman had cunningly brought in and got settled before he introduced this matter.¹⁷⁷ [He] was astonished that it should be supposed for a moment that the sense of the house could be taken on such an amendment as this, when the motion before the chair was for the third reading of the Customs bill. The amendment is a direct vote of censure on the Government there can be no doubt of that, and as the bill is certain to pass, it would look most singular if such an amendment were tacked on to it.¹⁷⁸ If there was any discourtesy it was shown by hon. gentlemen opposite.¹⁷⁹

MR. AT. GEN. J.A. MACDONALD grant[ed] that the house has a right to expect the earliest information from the government, but it is too much to expect that that information can be furnished before the government has fully decided what course it should take. — The Inspector General had stated

that he left the date undecided till the bill was laid before the house, as he had not concluded his enquiries, and had not come to a determination. He could not, therefore, answer the question of the member for Montreal, as by doing so, he would have made a solemn statement of what the ministry intended to do. Nevertheless, he might have said that if the tariff went into operation about the middle of June it would answer his purposes. There was no secret about that; it was well known in Toronto and in Montreal, that he had said so; but although he might say that, he could not state in his place in the House what the date would be. It does not appear that that communication was made by the Provincial Secretary from any motives of favoritism. There was no suggestion of that kind made, and the strongest proof that it was not made from such motives is furnished by the fact that that information was immediately announced in the public papers. The member for Montreal must himself perceive that there is a very great difference between a statement made by a finance minister in his place in the House and a statement made by another person, that the tariff would probably go into operation at such a date. If the Provincial Secretary had privately communicated any information in his possession as a member of the government from a desire to favor certain persons at the expense of the community such a course would undoubtedly be censurable; but no attempt has been made to show that that was the case.¹⁸⁰ No merchants had been placed in a position of disadvantage, in relation to the others, by the announcement.¹⁸¹

MR. HOLTON. — It was not known in Toronto.¹⁸²

[MR. AT. GEN. J.A. MACDONALD continued:] Had any of the Toronto merchants called upon his hon. friend and asked that information he would no doubt have given the same unofficial information which was given to Montreal.¹⁸³

MR. BOWES had had no information as to the date when the tariff would go into effect; nor did he believe that he suffered any injury, or that any merchant suffered any injury in consequence of that information having been sent down to Montreal, because it had immediately been published in the newspapers. Between the time when that telegraphic despatch was sent down, and the time of its publication next morning, there was no opportunity afforded of getting any goods out of the Custom House, or to effect commercial operations.¹⁸⁴ Therefore he did not see why such a resolution should be brought before the House.¹⁸⁵

MR. HOLTON expressed his surprise that the Provincial Secretary should give no explanation, although on a former occasion he promised to do so.¹⁸⁶ It was quite clear that hon. gentleman had lost sight of the real matter at issue. He [Mr. Holton] had never complained that the Inspector General did not give him the information. He never asked that information unless across the floor of the House. But he did complain that that information which he sought in a legitimate way and in the legitimate place was refused, while the same information was communicated by one of his (Mr. Cayley's) colleagues the day before he (Mr. Holton,) had asked it. The point to which he would call the attention of the House was the fact that this information was denied to the House while it was privately sent to other parties. He maintained that there was an important principle involved in this¹⁸⁷. He wanted only to have the proper rule of Ministerial responsibility laid down and had no personal feeling about it.¹⁸⁸ The arguments of his colleagues had been quite ineffectual to vindicate the Provincial Secretary's conduct in communicating that information irregularly¹⁸⁹. There can be no doubt that [sic] the despatch from the Provincial Secretary, announcing that the Tariff would go into operation on the 15th of June, had all the authenticity of communications from members of the Government. If the Inspector General had given him the explanation which he gave to-night, at the time he asked for information, he would not press this resolution; but in the absence of any attempt on the part of the Government to defend what they know to be indefensible, or to give any satisfactory explanation,¹⁹⁰ he considered it was the duty of the house to record on their Journals their disapprobation of such an unconstitutional proceeding. He could not see how the law advisers of the Crown could vote against his motion, and thereby in effect declare

that it was quite constitutional for a member of the Cabinet to communicate privately the intentions of the Government in regard to a financial change.¹⁹¹ In England it recently happened that the appointment of a subordinate minister had been cancelled because he had communicated privately information officially in his possession. How much more reprehensible must be the same conduct by a minister of the Crown.¹⁹²

The members having been called in for division¹⁹³,

MR. J. SMITH said he wished to move an amendment if he was not too late. (Order, order — vote, vote).¹⁹⁴

MR. SICOTTE the SPEAKER said that the hon. gentleman should be allowed to move an amendment.¹⁹⁵

MR. J. SMITH then said, as the question has not been disposed of, I therefore move the previous question.¹⁹⁶

MR. SICOTTE the SPEAKER then put Mr. Holton's motion.¹⁹⁷

MR. HOLTON said that the member for Victoria had moved the previous question.¹⁹⁸

MR. SICOTTE the SPEAKER said he did not hear such a motion put.¹⁹⁹

MR. CAMERON wished to know whether the Provincial Secretary denied the allegations of the member for Montreal. If he did not, he should certainly vote for the resolution.²⁰⁰

MR. SICOTTE the SPEAKER. — It is not for the chair to answer for members of the government, when they are in their places to answer for themselves.²⁰¹

MR. GAMBLE asked if the amendment of the member for Montreal were in order?²⁰²

MR. SICOTTE the SPEAKER said that it was in accordance with English practice. It might be inconvenient to have such amendments moved; but there is no rule to prevent it from being done.²⁰³

The vote was then taken on Mr. Holton's amendment²⁰⁴.

(461)

Mr. *Holton* moved in amendment to the Question, seconded by Mr. *Antoine Aimé Dorion*, That all the words after "That" to the end of the Question be left out, and the words "this House has learned with regret that Members of the Administration have given information in regard to the date at which the proposed Tariff shall come into effect, before communicating the same to this House, and ... that thereby a course has been adopted at variance with constitutional practice, and most prejudicial to the general interests of the community" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Biggar, Brown, Cameron, Christie, Charles Daoust, Darche, Delong, Antoine A. Dorion, Ferrie, Foley, Frazer, Galt, Gamble, Hartman, Holton, Huot, Jobin, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Mattice, Munro, Murney, Papin, Patrick, Powell, Prévost, Rankin, Rolph, Sanborn, Scatcherd, Southwick, Valois, and Wilson*. — (37.)

NAYS.

Messieurs *Alleyn, Bowes, Brodeur, Burton, Casault, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Conger, Cook, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gill,*

Gutvremont, Labelle, Laporte, Larwill, Lemieux, Loranger, Lyon, Macbeth, Attorney General Macdonald, McCann, Masson, Matheson, Meagher, Merritt, Joseph C. Morrison, Angus Morrison, O'Farrell, Poulin, Pouliot, Price, Rhodes, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Spence, Stevenson, Taché, Thibaudeau, and Yeilding. — (59.)

So it passed in the Negative.

(462)

And the Question being again proposed, That the Bill be now read the third time;

MR. MACKENZIE rose to move another amendment. He thought the country was sufficiently burdened already, and that it was wrong to tax luxuries lightly, and the prime necessities of life heavily.²⁰⁵ The Inspector General had taken the tax off the silk dresses of the upper classes, and placed it upon the poor people. It was always so with those who had no feelings in common with the people. The House did not represent the feelings of the people of Canada, and he believed the time had come when a dissolution should take place,²⁰⁶ and that before voting £300,000 for a great castle at Quebec, they should go back to the people. (Hear, hear.)²⁰⁷ The Legislative Council bill was not what was required, nor what the people had desired. The House had decided that forty-eight members should be elected to that body, while the Legislative Council had decided that but twelve should be chosen. He would move in amendment²⁰⁸ —

"That the Bill be not now read a third time, but that it be resolved, that it is inexpedient to make the large and permanent addition to the taxation of the people proposed in this Bill, or to proceed to the consideration of other important schemes now before Parliament, until the wishes of the people have been ascertained by a general election, and that an humble address be presented to His Excellency, praying him to prorogue the house, with a view to the dissolution thereof." (Hear, hear, and cries of carried, carried.)

He heard many calling carried, who, he was afraid, when the vote came, would creep into a nutshell. (Laughter.) He understood this house well. (Hear, hear.) The people were not fairly represented, the electors having been largely increased in number by the ... [Elective Franchise Bill], which did not come into operation before the last election, which was hurried on by Mr. Hincks, when he broke up the house in June, 1854.²⁰⁹ There were important financial and other questions before the House, and it was important before action was taken upon them, that the opinion of the country should be had upon them. The House had been dissolved in 1854 without any reason; there was great reason now to dissolve it. The hon. gentleman recited a number of questions upon which the opinion of the country should be obtained.²¹⁰ A dissolution too was necessary in view of this Grand Trunk job. Before saddling the people with a permanent burden of two millions of dollars per annum, the voice of the people should be taken on it. And they should go to their constituencies on the Militia and Police schemes. Let an opportunity be given to the people to say whether they wanted a Jesuit Police, supported at their expense, to pry into their affairs. Of those ten gentlemen who sat in Government there was not one that the people cared a fig for. They were utterly unpopular, and they knew it, and durst not go to the people.²¹¹ If they had the confidence of the country, they had nothing to fear from his motion. But they dare not make the appeal.²¹² He saw the Inspector General was trembling at the thought of it. And they had had a new scheme broached to-day. The Government were kept in existence by pandering to this clique and that clique.²¹³ He had no objection that it should be so, if the country desired it; but he would like to see an opportunity given to the constituencies to express their opinion upon it.²¹⁴ At the beginning of the session they heard the member for Quebec (Mr. Evanturel) telling his price — that he would only support the Government if he got the North Shore Railroad. And to-day he and his friends had got their price, with the view of supporting in existence a little longer the Commissioner of Crown Lands, who had been just on the point of kicking the bucket. (Cries of "Sit down!") Some hon. gentlemen did not like to have him occupying the time of the house. But as the chief thing they did was to squander the public money, he did not think much harm was done by his occupying their time. (Cries of "Dispense.") A good master kept his boys in order, but the gallant knight was away, and that was the reason why his followers

were so noisy. (Laughter.) If his motion was passed, there were a great many familiar faces here whom he would see no more. — (Laughter.)²¹⁵

MR. SICOTTE the SPEAKER said the gentleman was out of order. He had not a right to refer to anything but the question before the House, which was the third reading of the Custom's [sic] Bill.²¹⁶

MR. MACKENZIE was showing reasons why the Bill should not pass until a dissolution had taken place. The increase of taxation affected by this Bill, was not required, and duties imposed by it were most unequally distributed. There was great extravagance [sic] in the expenditure of the money of the country now, and it would be better to exercise economy than to increase taxation.²¹⁷

MR. SICOTTE the SPEAKER ruled that the latter part of the motion, about a dissolution of Parliament, was altogether irrelevant to the question before the Chair.²¹⁸

MR. MACKENZIE said there were numerous precedents in England for the motion he made. It was the only way in which he could properly ascertain the wishes of his constituents.²¹⁹

MR. SMITH said that the constituents of the hon. gentleman should know that he resides in Toronto, and that the longer he could keep the House here by his interminable speeches, the more he subserved his own pecuniary [sic] interests.²²⁰

The motion was accordingly withdrawn.²²¹

MR. MACKENZIE rose to make another motion, that a clause be added — "This Act shall continue in force one year and no longer."²²²

MR. SICOTTE the SPEAKER said that this motion could best be moved after the Bill had been read a third time.²²³

MR. MACKENZIE then placed his former motion in another shape — "That the said Bill be not now read a third time, but that it is inexpedient to make the large permanent addition to the taxation of the people proposed in this Bill, and that an humble Address be presented to the Governor General, praying His Excellency to prorogue the house, with a view to the dissolution thereof" — the portion about other schemes before Parliament being left out.²²⁴

MR. LORANGER opposed the resolution very strongly.²²⁵

MR. J.S. MACDONALD could not vote for the motion, although, he had no fear of an appeal to his constituents²²⁶. But he was not prepared at this moment to stop the whole business of the country, by causing a dissolution, without giving the Supplies necessary to enable the Government to be carried on till after a general election.²²⁷ It was necessary, in order not to throw the business of the country into confusion, that the supplies should be voted²²⁸. There were a variety of matters which it was very important the House should dispose of before the close of another session. He should therefore vote against the motion. If the hon. member for Haldimand wished to test the Government, let him propose a vote of want of confidence in the Administration, and he (Mr. Macdonald,) would cheerfully vote for it.²²⁹

MR. BROWN could not agree with his hon. friend from Glengary in this matter. He did not know that he would himself have brought forward this motion; but when it was brought forward, he considered it his duty to vote for it. He thought his hon. friend had exaggerated the evils that would result from the adoption of this motion. He did not see that it would at all prevent the House from voting the supplies necessary to enable the Government to carry on the business of the country till after the election. If the Government would agree to dissolve the House, it would be the very thing that would get them out of

the difficulties in which they now found themselves. They did not now represent the true electoral constituency of the country, the new Franchise Bill having come into operation since the members of this House were elected, and the consequence was that a very large number of qualified electors were unrepresented in Parliament. Then there were schemes of the greatest importance now before the House, upon which the country should have an opportunity of expressing its opinion. There was this very scheme of increasing the tariff 25 per cent., and for what purpose? to aid the Grand Trunk Railway Company. (Hear, hear.) It had been said by hon. gentlemen opposite, that that was not the purpose, but that it was wanted to meet the interest of the debentures. They knew, however, that this was not the case, because the representatives of the Grand Trunk now here from England, said there was no difficulty about meeting the interest, but that they wanted permanent assistance. It was said the Government had offered assistance, and that the Grand Trunk had refused it, because it was not that permanent relief they looked for. And there were other schemes. There was that brought down by the Commissioner of Crown Lands to-night, to hand over 3 or 4 millions of acres of the public land to a private corporation. Such a scheme as this ought surely to be submitted to the people.²³⁰

MR. SICOTTE the SPEAKER said the motion, as now before the chair, spoke of a dissolution only in connection with the proposed increase of the tariff. The hon. gentleman's remarks should be confined to that point.²³¹

MR. BROWN then made some further remarks on the view of the question taken by the hon. member for Glengary, and repeated that before this permanent burden of increased taxation was put on the people, the country should have an opportunity of pronouncing on the various schemes for which the Government required it. That a dissolution was necessary must be apparent to every one who looked at the manner in which the business of the house had been carried on for some time, some clique or other holding a caucus almost every day, and indicating to the Government that they would lose their confidence unless they took the particular course which they pointed out. It was time that there was both a house and a Government which could carry on the business of the country, satisfied that in doing so they enjoyed the public confidence. (Hear, hear.)²³²

MR. ROBINSON said the House were constantly having moral doctrines about constitutional usages from the member for Lambton. But this was the most strange he remembered to have heard — that they could go on with any business, after they had by their own vote declared themselves incompetent to do so.²³³

MR. BROWN desired to explain. He only proposed to pass through the measures absolutely necessary.²³⁴

MR. ROBINSON. — And they were to be judges of what was necessary, though incompetent to legislate for the country.²³⁵

MR. SOL. GEN. H. SMITH stated that an instance of the course stated by the hon. member for Lambton could not be found in the records of English history — that the House should vote supplies to the government after its dissolution.²³⁶

MR. BROWN. — Was never a vote of censure given under such circumstances?²³⁷

MR. SOL. GEN. H. SMITH. — Never. A vote of censure had only been given when a ministry having taken office, were sent to their constituents.²³⁸ The hon. member for Glengarry had, indeed, been so good as to say that if a vote of non-confidence in the government were proposed he should vote for it. Now he (Solicitor General) thought that hon. gentlemen opposite ought to bring forward votes

of want of confidence every day in the week. Such a vote had been negatived that day already. But he would say that if at some time or other they should go to the country, he would be glad of it for one reason, and that was, that they would thus get rid of the hon. member for Haldimand. That hon. gentleman had cost the country more than any Government, and when the time came that that hon. gentleman should go to his constituents, he (Solicitor General) felt confident that that was the last that House would see of the hon. gentleman. The electors of Haldimand would not again send as their representative to that House, a person who not only wasted his own time, but the time and treasure of the country.²³⁹

MR. WILSON opposed the resolution of the member for Haldimand, because he considered it would be improper to stop the business of the house at this point. He could not agree with the member for Lambton, that, presuming the motion could be carried, the house could for one instant go on with business.²⁴⁰ If such a motion were carried, it would throw the Government and the country into the greatest confusion. He should therefore vote against it, although he should be very happy to support a motion to oust the Government. At the same time he would assure those hon. gentlemen that he did not covet any of their seats. (Oh! no; and laughter.)²⁴¹

MR. PATRICK would support the Government.²⁴²

MR. SCATCHERD supported the motion of the member for Haldimand for the reason that the member for London opposed it. The member for London was afraid of the business of the house being stopped. He (Mr. Scatcherd) thought the sooner it was stopped the better.²⁴³

MR. FERRIE also supported the motion. It was urged that the affairs of the country would be thrown into confusion. He did not think they could be thrown into greater confusion than they were at present.²⁴⁴

MR. TURCOTTE said there was no necessity that the whole House should be dissolved. Let three members on each side resign, and test the opinion of the country. The member for Lambton, the member for Haldimand, and another on that side might resign, and he and two on this side would also go.²⁴⁵

Several voices. — "I'll go," "and I."²⁴⁶

[MR. TURCOTTE resumed:] They might thus test public opinion without the trouble and expense of a general election.²⁴⁷

MR. LABERGE opposed the resolution on the same ground as Mr. Wilson.²⁴⁸

MR. MACKENZIE ... replied²⁴⁹.

The motion was then put²⁵⁰.

(462)

Mr. Mackenzie moved in amendment to the Question, seconded by Mr. Frazer, That all the words after "That" to the end of the Question be left out, and the words "it is inexpedient to make the large, permanent addition to the taxation of the People proposed in this Bill; and that an humble Address be presented to the Governor General, praying His Excellency to prorogue the House, with a view to a dissolution thereof" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Aikins, Brown, Bureau, Christie, Charles Daoust, Darche, Antoine A. Dorion, Ferrie, Foley, Frazer, Galt, Gould, Hartman, Jobin, Mackenzie, Marchildon, Munro, Papin, Prévost, Scatcherd, and Valois — (21.)

(462)

NAYS.

Messieurs *Alleyn, Bell, Biggar, Bowes, Brodeur, Burton, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Conger, Cook, Cryslar, Daly, Jean B. Daoust, Delong, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Holton, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Macbeth, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, McCann, Masson, Matheson, Meagher, Merritt, Joseph C. Morrison, Angus Morrison, Murney, O'Farrell, Patrick, Polette, Poulin, Pouliot, Powell, Price, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Spence, Stevenson, Taché, Thibaudeau, Turcotte, Wilson, and Yeilding.* — (78.)

So it passed in the Negative.

Then the main Question being put, That the Bill be now read the third time; the House divided: and the names being called for, they were taken down, as follow: —

(462-463)

YEAS.

Messieurs *Alleyn, Bowes, Brodeur, Burton, Cameron, Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Conger, Cryslar, Daly, Jean B. Daoust, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Macbeth, Attorney General Macdonald, McCann, Meagher, Joseph C. Morrison, Angus Morrison, Murney, O'Farrell, Polette, Poulin, Pouliot, Powell, Price, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Spence, Stevenson, Taché, Thibaudeau, and Yeilding.* — (62.)

(463)

NAYS.

Messieurs *Aikins, Bell, Biggar, Brown, Bureau, Casault, Christie, Cook, Charles Daoust, Darche, Delong, Desaulniers, Antoine A. Dorion, Ferrie, Foley, Frazer, Galt, Gould, Hartman, Holton, Huot, Jobin, Laberge, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Masson, Matheson, Mattice, Merritt, Munro, Papin, Patrick, Prévost, Rankin, Scatcherd, Turcotte, Valois, and Wilson.* — (40.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

On motion of the Honorable Mr. *Cayley*, seconded by the Honorable Mr. Attorney General *Macdonald*, an Amendment was made to the third Clause of the Bill, by leaving out the words "fifteenth of June," and inserting the words "fifteenth [sic] of July" instead thereof.²⁵¹

Mr. *Mackenzie* moved, seconded by Mr. *Hartman*, and the Question being put, That the following Clause: That this Act shall continue in force until the fifth day of July, one thousand eight hundred and fifty-seven, and no longer, be added to the Bill, and do form the fourth Clause thereof; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Biggar, Brown, Bureau, Christie, Cook, Charles Daoust, Darche, Delong, Desaulniers, Dufresne, Ferrie, Foley, Fournier, Frazer, Galt, Gould, Hartman, Holton, Huot, Laberge, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Masson, Mattice, Merritt, Munro, Papin, Patrick, Scatcherd, Thibaudeau, Turcotte, Valois, and Wilson.* — (37.)

(463-464)

NAYS.

Messieurs *Aikins, Bowes, Brodeur, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Clarke, Conger, Cryslar, Daly, Jean B. Daoust, Dionne, Dostaler, Attorney General Drummond, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Gamble, Gill, Guévremont, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Attorney General Macdonald, McCann, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, Murney, O'Farrell, Polette, Poulin, Pouliot, Price, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Spence, Stevenson, Taché, and Yeilding.* — (57.)

(464)

So it passed in the Negative.

Resolved, That the Bill do pass, and the Title be, "An Act to amend the Acts imposing Duties of Customs."

Ordered, That the Honorable Mr. *Cayley* do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to make better provision for promotion of Superior Education and the establishment and support of Normal Schools in *Lower Canada*, and for other purposes, being read;

The Honorable Mr. *Cartier* moved, seconded by the Honorable Mr. *Lemieux*, and the Question being put, That the Bill be now read the third time; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Alley*, *Bowes*, *Brodeur*, *Bureau*, *Cartier*, *Casault*, *Cauchon*, *Cayley*, *Chabot*, *Chisholm*, *Church*, *Clarke*, *Conger*, *Crysler*, *Daly*, *Jean B. Daoust*, *Desaulniers*, *Dionne*, *Dostaler*, *Attorney General Drummond*, *Dufresne*, *Evanturel*, *Felton*, *Thomas Fortier*, *Octave C. Fortier*, *Fournier*, *Gill*, *Gutremont*, *Huot*, *Labelle*, *Laberge*, *Laporte*, *Larwill*, *LeBoutillier*, *Lemieux*, *Loranger*, *Lumsden*, *Attorney General Macdonald*, *McCann*, *Masson*, *Meagher*, *Joseph C. Morrison*, *Angus Morrison*, *Polette*, *Poulin*, *Pouliot*, *Prévost*, *Price*, *Robinson*, *Solicitor General Ross*, *Shaw*, *Solicitor General Smith*, *Sidney Smith*, *James Smith*, *Spence*, *Stevenson*, *Taché*, and *Thibaudeau*. — (58.)

NAYS.

Messieurs *Aikins*, *Bell*, *Biggar*, *Brown*, *Cameron*, *Christie*, *Cook*, *Charles Daoust*, *Darche*, *DeLong*, *Antoine A. Dorion*, *Ferrie*, *Foley*, *Frazer*, *Galt*, *Gamble*, *Gould*, *Hartman*, *Holton*, *John S. Macdonald*, *Mackenzie*, *Marchildon*, *Matheson*, *Mattice*, *Merritt*, *Munro*, *Murney*, *Papin*, *Patrick*, *Rolph*, *Scatcherd*, *Turcotte*, *Valois*, and *Wilson*. — (34.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. *Cartier* do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of MR. DALY,²⁵²

- (464) A Bill to amend the Act incorporating the *Stratford* and *Huron* Railway Company, was, according to Order, read the third time.
Resolved, That the Bill do pass.
Ordered, That Mr. *Daly* do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of MR. FOLEY,²⁵³

- (465) A Bill to incorporate the *Canada* and *Liverpool* Mining Company, was, according to Order, read the third time.
Resolved, That the Bill do pass, and the Title be, "An Act to incorporate the *Canada* and *Liverpool* Mining and Exploring Company."
Ordered, That Mr. *Foley* do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of MR. INSP. GEN. CAYLEY,

The Report of the Committee of the Whole on the Bill to impose an additional Excise duty on Whiskey, was concurred in²⁵⁴.

- (465) Mr. *Sidney Smith* reported the Bill to impose an additional Excise Duty on Whiskey; and the amendment was read, and agreed to.

On motion of the Honorable Mr. *Cayley*, seconded by the Honorable Mr. Attorney General *Macdonald*, a further amendment was made to the Bill by leaving out "fifteenth of June" in the first Clause, and inserting "fifth July" instead thereof.

Ordered, That the Bill be read the third time on Friday next.

Mr. *Dufresne*, from the Committee of the whole House to take into consideration certain Resolutions relative to a new Division of the Judicial Districts in *Lower Canada*, and to the construction of Court Houses and Gaols in the same, reported several Resolutions; which were read, as follow: —

1. *Resolved*, That with a view to the decentralization of the Judicial system in *Lower Canada*, it is expedient to subdivide the Judicial Districts in that Section of the Province, and to provide for the building of a Court House and a Gaol at some central or convenient place in each new District so formed, wherein such Buildings have not been already constructed.

2. *Resolved*, That in order to avoid the expense and trouble to which the Municipalities of *Lower Canada* would be subjected in levying and collecting assessments for the building of such Court Houses and Gaols, it is expedient to repeal so much of the Clergy Reserves Act 18 *Vic.* cap. 2, as provides for the apportionment of the *Lower Canada* Municipalities Fund created by the said Act among the several Municipalities, and to appropriate out of the said Fund, or out of moneys to be raised by Debentures, the Capital and Interest of which shall be paid out of the said Fund, a sum not exceeding Seventy-five thousand pounds for building the said Court Houses and Gaols, and for aiding the Municipalities in which no Court Houses or Gaols shall have been constructed out of the said Fund or out of other Funds belonging to the Province, to provide accommodation for County or Circuit Courts.

The Honorable Mr. Attorney General *Drummond* moved, seconded by the Honorable Mr. *Cartier*, and the Question being proposed, That the said Resolutions be now read a second time;

MR. A. DORION moved an amendment to the effect that no portion of the fund coming to any Municipality should be appropriated to build Court Houses in any district except that in which such Municipality was situated. He explained that he moved the amendment with a view to protect the city of Montreal.²⁵⁵

MESSRS. LORANGER, CHABOT, PRÉVOST, PAPIN, [and] CHAPPAIS ... severally addressed the house in French.²⁵⁶

MR. AT. GEN. DRUMMOND ... complained that the view taken by the hon. member in his amendment was altogether too rigorous, and such as could not be justified in the circumstances which were alluded to. That if the strict rule of justice were not relaxed in these cases, justice would fail to be administered in many counties both of Montreal and Quebec.²⁵⁷

MR. SANBORN said that as far as the interests of his constituents was [sic] concerned, he would be content to vote for the amendment, but in view of the general interests of the Province he was led to embrace the views of the hon. Attorney General. Considering the difficulties attendant on direct taxation, the local interests ought to be content to give up a portion of their advantages for the good of the rest. He was disposed to risk the censure of his constituents, and to uphold the motion of the Attorney General without the amendment. He also referred to the case of bringing actions in the cities, instead of in the localities where the causes of actions take place. This was an invasion of the rights of the rural districts. It was, however, happily a case where the interests of the profession and their clients coincided, and he trusted that advocates in the cities would concur in this view of the case.²⁵⁸

MR. FERRES was glad that the member for Montreal had changed the opinions he held to a very recent date. It was fortunate that the fund was at the disposal of the Government. He did not know if the object of decentralization could have been attainable unless through the medium of the Clergy Reserve

Fund. There would thus be created little centres of localization which could not otherwise have been formed. There could be no misapplication of the fund by this means. The Clergy Reserves are situated in a part of the country entirely English and Protestant. The court houses were not built upon a calculation of obtaining assistance in this way, and the funds of the Clergy Reserves being for the municipalities, could not be better disposed of than in the building of gaols, as proposed.²⁵⁹

After some further discussion the amendment was lost on a division²⁶⁰.

(465) Mr. *Antoine Aimé Dorion* moved in amendment to the Question, seconded by Mr. *Holton*, That all the words after "now" to the end of the Question be left out, and the words "recommitted to a Committee of the whole House, with an Instruction to provide that no Municipality shall be deprived of their share of the proceeds of the Clergy Reserves, for the construction of Gaols and Court Houses in any Judicial District to which such Municipality does not belong, and that the share coming to the City of *Montreal* in the said Fund be applied to the payment of the debt created for the construction of the Court House in *Montreal*," inserted instead thereof;

And the Question being put on the Amendment; the House divided: — And it passed in the Negative.

Then the main Question being put;

Ordered, That the said Resolutions be now read a second time.

The said Resolutions, being read a second time, were agreed to.

(466) *Ordered*, That the Honorable Mr. Attorney General *Drummond* have leave to bring in a Bill to prepare for the decentralization of the Judicial system of *Lower Canada*, by subdividing it into smaller Districts, and providing for the building of Court Houses and Gaols therein.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Mr. *Scatcherd* moved, seconded by Mr. *Aikins*, and the Question being put, That this House do now adjourn; the House divided: — And it passed in the Negative.

The Order of the day for the second reading of the Amendments made by the Legislative Council to the Bill, intituled, "An Act to change the Constitution of the Legislative Council by rendering the same Elective," being read;

The Honorable Mr. *Cauchon* moved, seconded by the Honorable Mr. *Lemieux*, and the Question being proposed, That the said Amendments be now read a second time;

MR. BROWN said that at this late hour, and in the present mood of the house, it would be waste of labour to make a speech. He would only say that the Bill had come down from the Legislative Council with all its absurdities increased. In the first place, the qualification was raised from £1000 to £2000 of real estate. And then it was made necessary that the members should reside in the district for which they were elected. And worse still, the elected members were only to go in gradually. They had been told that the great object of the Bill was to add to the dignity of the upper house by making it elective. And that was to be effected by putting 12 dignified men into it at the end of every two years! The whole thing was a burlesque. The dignity of the house might possibly have been raised by sending in the 48 elected members at once, and shaming the old members into resigning. But how could they expect to get 12 men of high character to go to represent the popular will and sit there with men who held their seats only by the appointment of the Governor General. This amendment did away with all the good that could possibly have been hoped for from the Bill.²⁶¹

MR. POWELL. — We never had any expectations of the kind.²⁶²

MR. BROWN said he had had some expectation, that, if 48 members were elected at once, in the present temper of the country, the whole of them would be anti-ministerialists. (Hear, hear.) He fancied that the Government had made the alteration on purpose. (Hear, hear.) But really the whole thing was

so absurd, that there was no use in talking about it. He was only anxious to place his views on record, and therefore moved in amendment —

"That the said resolutions be not concurred in, but that it be resolved, That two Elective houses are incompatible with British Responsible Government, that the great powers committed under that system to the Ministry of the day, could not be safely continued with two Elective houses, but would render necessary the imposition of checks on the power of the Executive known to other constitutional systems, but totally inconsistent with British party Government, and that in view of the declaration of the majority of this house that some change in the existing constitutional system of this Province ought to be made, it is expedient that the Legislative Council should be abolished."²⁶³

MR. SICOTTE the SPEAKER ruled that the amendment was not in order. The only question before the chair was the amendments sent down from the Legislative Council.²⁶⁴

MR. BOWES then moved —

"That the consideration of the amendments made by the Legislative Council to the Bill entitled an Act to alter the constitution of the Legislative Council, by making it elective, be delayed for six months."²⁶⁵

(466)

Mr. Bowes moved in amendment to the Question, seconded by Mr. Clarke, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Aikins, Bowes, Brown, Cameron, Christie, Clarke, Fournier, Hartman, Mackenzie, Powell, Wilson, and Yeilding. — (12.)

NAYS.

Messieurs Bell, Brodeur, Bureau, Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Conger, Crysler, Daly, Jean B. Daoust, Darche, Desaulniers, Dionne, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Foley, Thomas Fortier, Octave C. Fortier, Frazer, Galt, Gill, Gould, Guévremont, Holton, Labelle, Laporte, Lemieux, Loranger, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, McCann, Marchildon, Masson, Joseph C. Morrison, O'Farrell, Papin, Patrick, Polette, Poulin, Prévost, Solicitor General Ross, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Spence, Stevenson, Thibaudeau, Turcotte, and Valois. — (59.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the said Amendments be now read a second time.

And the first to the eighth of the said Amendments, being read a second time, were agreed to.

MR. PATRICK moved to amend the 4th clause [of the Bill], by erasing £2,000, and inserting £1,000, bringing back the qualification to what it was in the Bill as it went to the Legislative Council.²⁶⁶

[The motion was] seconded by DR. MASSON²⁶⁷.

MR. HOLTON said he was in favour of the amendment, but he [also] was in favour of the Bill, bad as it was, as it introduced a principle which he desired to see carried out. He should therefore vote against the amendment, which there was no probability of the Upper House acceding to. He desired to see the Bill pass, notwithstanding all its imperfections.²⁶⁸

MR. BROWN. — It is lamentable to see how extremes will meet — to find my democratic friend from Montreal going in favour of a £2,000 qualification. (Laughter.)²⁶⁹

MR. FOLEY. — And it is equally remarkable to find the member for Lambton and the member for Toronto — the leader of the great Liberal party of Upper Canada and the leader of the great Tory party joining together against the principle of the Bill.²⁷⁰

MR. LORANGER (in French) said that while he agreed that the increase in the qualification was undesirable, he would support the Bill as a whole.²⁷¹

MR. LABERGE spoke in French, recommending the passage of the Bill.²⁷²

MR. CHABOT said he was sure that the amendments had been made in the view of carrying the objects of the house. The passing of the amendments as a whole was necessary to ensure the measure.²⁷³

MR. MACKENZIE said, could they go back to the country and say that they had advocated a measure which would leave many whole districts unrepresented. There were few districts which could furnish members on such a condition. If the other house had the power of nullifying our measures — ²⁷⁴

The cries of question here became so vehement that the hon. member sat down.²⁷⁵

MR. POWELL objected to the clause compelling residence as a condition, and thought that every place had a right to use its own discretion on the point. He would vote for the amendment in the hands of the Speaker.²⁷⁶

MR. SICOTTE the SPEAKER ruled the motion out of order. It was an amendment to the whole clause, whereas only the amendment of the Legislative Council was now before the House.²⁷⁷

MR. FOLEY said that as the amendment was out of order he would take the bill as it is. They would ultimately gain the object they had intended, the absolute expression of the will of the people. He went for the principle as a democratic principle, and to obtain ultimately the entire control of the Upper House, as of this, by the people. He accepted the Bill as that which will carry out the principle of representation by population.²⁷⁸

DR. CLARKE said the Bill had never been asked for by the people, and if it were thrown out to-night, there would be no complaint by them.²⁷⁹

MR. SICOTTE the SPEAKER said ... the sense of the house could be tested on the amendment as it came from the Legislative Council.²⁸⁰

A vote was taken on the [8th] amendment from the Legislative Council, raising the qualification from £1,000 to £2,000²⁸¹.

(466) The eighth of the said Amendments being read a second time; and the Question being put, That this House doth agree with the Legislative Council in the said Amendment; the House divided: and the names being called for, they were taken down, as follow: —

(467) YEAS.

Messieurs Brodeur, Bureau, Cartier, Cauchon, Chabot, Chapais, Chisholm, Church, Clarke, Conger, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Foley, Thomas Fortier, Octave C. Fortier, Frazer, Galt, Gill, Gould, Guévremont, Holton, Huot, Labelle, Laberge, Laporte, Larwill, Lemieux, Loranger, Macbeth, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, McCann, Masson, Meagher, Joseph C. Morrison, Angus Morrison, Papin, Polette, Poulin, Pouliot, Prévost, Price, Rankin, Solicitor General Ross, Sanborn, Shaw, Solicitor General Smith, Spence, Stevenson, Thibaudeau, Turcotte, and Valois. — (62.)

NAYS.

Messieurs *Aikins, Bell, Brown, Christie, Darche, Fournier, Hartman, Mackenzie, Marchildon, Munro, Patrick, Powell, Scatcherd, and Yeilding.* — (14.)

So it was resolved in the Affirmative.

The remainder of the said Amendments, being read a second time, were agreed to.²⁸²

Ordered, That the Honorable Mr. *Cauchon* do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments.

Then, on motion of Mr. *Scatcherd*, seconded by Mr. *Aikins*,
The House adjourned.²⁸³

Appendix

[NOTICE OF MOTION FOR AN ADDRESS RE: EPISCOPAL METHODIST COLLEGE, BELLEVILLE.]

MR. CHRISTIE [gave notice that he would move an] Address to the Governor General for copies of the Power of Attorney, receipt or other documents, shewing the authority by which E. Vanderwaters drew five hundred pounds, granted in aid of the "Episcopal Methodist College, Belleville," and all correspondence relating to said grant.²⁸⁴

Footnotes

1. *Globe*, 8 May 1856.
2. *Ibid.*
3. *Toronto Daily Leader*, 8 May 1856.
4. *Globe*, 8 May 1856.
5. *Ibid.*
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. *Toronto Daily Leader*, 8 May 1856.
10. *Ibid.*
11. *Ibid.*
12. *Ibid.*
13. *Ibid.*
14. *Ibid.*
15. *Ibid.*
16. *Globe*, 8 May 1856.
17. *Toronto Daily Leader*, 8 May 1856.
18. *Globe*, 8 May 1856.
19. *Ibid.*
20. *Ibid.*
21. *Ibid.*
22. *Ibid.*
23. *Ibid.*
24. *Toronto Daily Leader*, 8 May 1856.

25. *Globe*, 8 May 1856.
26. *Toronto Daily Leader*, 8 May 1856.
27. *Globe*, 8 May 1856.
28. *Toronto Daily Leader*, 8 May 1856.
29. *Globe*, 8 May 1856.
30. *Toronto Daily Leader*, 8 May 1856.
31. *Globe*, 8 May 1856.
32. *Toronto Daily Leader*, 8 May 1856.
33. *Ibid.*
34. *Ibid.*
35. *Globe*, 8 May 1856.
36. *Toronto Daily Leader*, 8 May 1856.
37. *Ibid.*
38. *Ibid.*
39. *Ibid.*
40. *Globe*, 8 May 1856.
41. *Toronto Daily Leader*, 8 May 1856.
42. *Montreal Gazette*, 9 May 1856.
43. *Ibid.*
44. *Globe*, 8 May 1856.
45. *Ibid.*
46. *Toronto Daily Leader*, 8 May 1856.
47. *Globe*, 8 May 1856.
48. *Ibid.*
49. *Montreal Gazette*, 9 May 1856.
50. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
51. *Globe*, 8 May 1856.
52. *Montreal Gazette*, 9 May 1856.
53. *Ibid.*
54. *Globe*, 8 May 1856.
55. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
56. *Globe*, 8 May 1856.
57. *Toronto Daily Leader*, 8 May 1856.
58. *Globe*, 8 May 1856.
59. *Montreal Gazette*, 9 May 1856.
60. *Globe*, 8 May 1856. *Toronto Daily Leader*, 8 May 1856, reports the exact same figures as this paper; however, *Montreal Gazette*, 9 May 1856, only reports an amount "of about £65,000 ... to open roads through that part of the country".
61. *Globe*, 8 May 1856. *Toronto Daily Leader*, 8 May 1856, reports the exact same figure as this paper, whereas *Montreal Gazette*, 9 May 1856, reports the figure of "275 such berths".
62. *Globe*, 8 May 1856.
63. *Toronto Daily Leader*, 8 May 1856.
64. *Globe*, 8 May 1856.
65. *Toronto Daily Leader*, 8 May 1856.
66. *Ibid.*
67. *Ibid.*
68. *Globe*, 8 May 1856.
69. *Toronto Daily Leader*, 8 May 1856.
70. *Globe*, 8 May 1856.
71. *Toronto Daily Leader*, 8 May 1856.
72. *Globe*, 8 May 1856.
73. *Toronto Daily Leader*, 8 May 1856.
74. *Globe*, 8 May 1856.
75. *Toronto Daily Leader*, 8 May 1856.
76. *Ibid.*
77. *Globe*, 8 May 1856.
78. *Montreal Gazette*, 9 May 1856.
79. *Globe*, 8 May 1856.

80. *Toronto Daily Leader*, 8 May 1856.
81. *Globe*, 8 May 1856. *Montreal Gazette*, 9 May 1856, reports that Mr. Brown argued that "the present grant was forced from the ministry, by the threat of the Crown Lands Commissioner to resign."
82. *Toronto Daily Leader*, 8 May 1856.
83. *Globe*, 8 May 1856.
84. *Globe*, 8 May 1856. *Toronto Daily Leader*, 8 May 1856, differs from this source and reports a figure of 275 timber limits. However, in its report of Mr. Lyon's speech, the figure then given was 250 timber limits.
85. *Toronto Daily Leader*, 8 May 1856.
86. *Ibid.*
87. *Ibid.*
88. *Ibid.*
89. *Ibid.*
90. *Globe*, 8 May 1856.
91. *Toronto Daily Leader*, 8 May 1856.
92. *Globe*, 8 May 1856.
93. *Toronto Daily Leader*, 8 May 1856.
94. *Montreal Gazette*, 9 May 1856.
95. *Toronto Daily Leader*, 8 May 1856.
96. *Globe*, 8 May 1856.
97. *Toronto Daily Leader*, 8 May 1856.
98. *Ibid.*
99. *Globe*, 8 May 1856.
100. *Toronto Daily Leader*, 8 May 1856.
101. *Globe*, 8 May 1856.
102. *Toronto Daily Leader*, 8 May 1856.
103. *Globe*, 8 May 1856.
104. *Toronto Daily Leader*, 8 May 1856.
105. *Globe*, 8 May 1856.
106. *Ibid.*
107. *Toronto Daily Leader*, 8 May 1856.
108. *Globe*, 8 May 1856.
109. *Ibid.*
110. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
111. *Globe*, 8 May 1856.
112. *Toronto Daily Leader*, 8 May 1856.
113. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
114. *Toronto Daily Leader*, 8 May 1856.
115. *Globe*, 8 May 1856.
116. *Ibid.*
117. *Ibid.*
118. *Ibid.*
119. *Ibid.*
120. *Ibid.*
121. *Ibid.*
122. *Ibid.*
123. *Ibid.*
124. *Ibid.*
125. *Ibid.*
126. *Ibid.*
127. *Globe*, 8 May 1856. *Hamilton Spectator Semi-Weekly*, 10 May 1856, does not report the speeches of Messrs. Hartman, Brown and Galt, but reports that "several members of the opposition ... [opposed] the suspension."
128. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
129. *Ibid.*
130. *Toronto Daily Leader*, 8 May 1856.
131. *Ibid.*
132. *Ibid.*
133. *Ibid.*

134. *Globe*, 8 May 1856. Commentaries on Mr. Cauchon's Bill and the Government railway legislation are reported in *Globe*, 9 May 1856, *Morning Chronicle*, 10 and 14 May 1856, *Montreal Gazette*, 13 May 1856, and *Western Planet*, 19 May 1856.
135. *Toronto Daily Leader*, 8 May 1856, reports that this message from the Legislative Council was announced during the previous debate on the Lake Huron and Quebec Railway.
136. *Globe*, 8 May 1856.
137. *Toronto Daily Leader*, 8 May 1856.
138. *Globe*, 8 May 1856.
139. *Ibid.*
140. *Ibid.*
141. *Ibid.*
142. *Ibid.*
143. *Ibid.*
144. *Ibid.*
145. *Ibid.*
146. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
147. *Globe*, 8 May 1856.
148. *Toronto Daily Leader*, 8 May 1856.
149. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
150. *Ibid.*
151. *Toronto Daily Leader*, 8 May 1856.
152. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
153. *Toronto Daily Leader*, 8 May 1856.
154. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
155. *Toronto Daily Leader*, 8 May 1856.
156. *Montreal Gazette*, 9 May 1856.
157. *Toronto Daily Leader*, 8 May 1856.
158. *Montreal Gazette*, 9 May 1856.
159. *Toronto Daily Leader*, 8 May 1856.
160. *Globe*, 8 May 1856.
161. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
162. *Toronto Daily Leader*, 8 May 1856.
163. *Globe*, 8 May 1856.
164. *Toronto Daily Leader*, 8 May 1856.
165. *Montreal Gazette*, 9 May 1856.
166. *Globe*, 8 May 1856.
167. *Toronto Daily Leader*, 8 May 1856.
168. *Ibid.*
169. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
170. *Toronto Daily Leader*, 8 May 1856.
171. *Ibid.*
172. *Globe*, 8 May 1856.
173. *Montreal Gazette*, 9 May 1856.
174. *Toronto Daily Leader*, 8 May 1856.
175. *Globe*, 8 May 1856.
176. *Ibid.*
177. *Toronto Daily Leader*, 8 May 1856.
178. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
179. *Toronto Daily Leader*, 8 May 1856.
180. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
181. *Globe*, 8 May 1856.
182. *Ibid.*
183. *Toronto Daily Leader*, 8 May 1856.
184. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
185. *Toronto Daily Leader*, 8 May 1856.
186. *Globe*, 8 May 1856.
187. *Toronto Daily Leader*, 8 May 1856.
188. *Montreal Gazette*, 9 May 1856.

189. *Globe*, 8 May 1856.
190. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
191. *Globe*, 8 May 1856.
192. *Montreal Gazette*, 9 May 1856.
193. *Hamilton Spectator Semi-Weekly*, 10 May 1856. *Globe*, 8 May 1856, reports that Mr. Cartier was "doggedly keeping his seat".
194. *Toronto Daily Leader*, 8 May 1856.
195. *Ibid.*
196. *Ibid.*
197. *Ibid.*
198. *Ibid.*
199. *Toronto Daily Leader*, 8 May 1856. According to *Hamilton Spectator Semi-Weekly*, 10 May 1856, Mr. Sicotte "decided the motion to be out of order".
200. *Globe*, 8 May 1856.
201. *Ibid.*
202. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
203. *Ibid.*
204. *Ibid.*
205. *Globe*, 8 May 1856. According to *Toronto Daily Leader*, 9 May 1856, the House adjourned for its afternoon recess after putting the vote on Mr. Holton's amendment. The first member to speak upon reassembling was Mr. Mackenzie.
206. *Toronto Daily Leader*, 8 May 1856.
207. *Globe*, 8 May 1856.
208. *Toronto Daily Leader*, 8 May 1856.
209. *Globe*, 8 May 1856.
210. *Toronto Daily Leader*, 8 May 1856.
211. *Globe*, 8 May 1856.
212. *Toronto Daily Leader*, 8 May 1856.
213. *Globe*, 8 May 1856.
214. *Toronto Daily Leader*, 8 May 1856.
215. *Globe*, 8 May 1856.
216. *Toronto Daily Leader*, 8 May 1856.
217. *Ibid.*
218. *Globe*, 8 May 1856.
219. *Toronto Daily Leader*, 8 May 1856.
220. *Toronto Daily Leader*, 8 May 1856. This newspaper does not indicate whether the speaker was Mr. J. Smith, Mr. S. Smith, or Mr. H. Smith. No other newspaper reports this speech.
221. *Globe*, 8 May 1856.
222. *Ibid.*
223. *Ibid.*
224. *Ibid.*
225. *Montreal Gazette*, 9 May 1856.
226. *Ibid.*
227. *Globe*, 8 May 1856.
228. *Montreal Gazette*, 9 May 1856.
229. *Toronto Daily Leader*, 8 May 1856.
230. *Globe*, 8 May 1856.
231. *Ibid.*
232. *Ibid.*
233. *Montreal Gazette*, 9 May 1856.
234. *Ibid.*
235. *Ibid.*
236. *Toronto Daily Leader*, 8 May 1856.
237. *Montreal Gazette*, 9 May 1856.
238. *Ibid.*
239. *Toronto Daily Leader*, 8 May 1856.
240. *Globe*, 8 May 1856.
241. *Toronto Daily Leader*, 8 May 1856.

242. *Toronto Daily Leader*, 8 May 1856.
243. *Globe*, 8 May 1856.
244. *Ibid.*
245. *Montreal Gazette*, 9 May 1856.
246. *Ibid.*
247. *Ibid.*
248. *Ibid.*
249. *Ibid.*
250. *Toronto Daily Leader*, 8 May 1856. *Mackenzie's Weekly Message*, 16 May 1856, reports a commentary on this motion, written by Mr. Mackenzie himself.
251. *Toronto Daily Leader*, 8 May 1856. *Globe*, 8 May 1856, and *Hamilton Spectator Semi-Weekly*, 10 May 1856, report the date was altered to 5th July, which is in accordance with Mr. Holton's request at the beginning of this debate, and with the date reported in the Statutes.
252. *Globe*, 8 May 1856.
253. *Ibid.*
254. *Ibid.*
255. *Ibid.*
256. *Ibid.*
257. *Globe*, 8 May 1856. This newspaper reports that Mr. Drummond spoke in French.
258. *Globe*, 8 May 1856.
259. *Ibid.*
260. *Globe*, 8 May 1856. *Morning Chronicle*, 16 May 1856, provides a list of the judiciary districts proposed in Mr. Drummond's Bill.
261. *Globe*, 8 May 1856.
262. *Ibid.*
263. *Ibid.*
264. *Ibid.*
265. *Ibid.*
266. *Ibid.*
267. *Ibid.*
268. *Ibid.*
269. *Ibid.*
270. *Ibid.*
271. *Ibid.*
272. *Ibid.*
273. *Ibid.*
274. *Ibid.*
275. *Ibid.*
276. *Ibid.*
277. *Toronto Daily Leader*, 9 May 1856.
278. *Globe*, 8 May 1856.
279. *Ibid.*
280. *Ibid.*
281. *Ibid.*
282. *Globe*, 8 May 1856, specifies that "the other amendments were severally put and agreed to without division".
283. *Toronto Daily Leader*, 9 May 1856, reports that the House adjourned at "five minutes past twelve o'clock."
284. *Mackenzie's Weekly Message*, 9 May 1856.

THURSDAY, 8 MAY 1856

(467)

THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Thibaudeau*, — The Petition of *Praxède Larue* and others, of *St. Augustin*.

By Mr. *Lyon*, — The Petition of *Donald McDonald*, of the Town of *L'Orignal*.

By Mr. *Bowes*, — The Petition of the Mayor, Aldermen, and Commonalty of the City of *Toronto*.

By Mr. *Desaulniers*, — The Petition of *P.B. Dumoulin* and others, of the *Banlieue* of *Three Rivers*.

By Mr. *Frazer*, — The Petition of *Michael Graybiel* and others, of the Township of *Wainfleet*.

By Mr. *Gould*, — The Petition of the Municipality of the Townships of *Mara* and *Rama*; the Petition of *John Hart* and others, of the Township of *Brock*; the Petition of *Charles C. Jones* and others, of the Township of *Scott*; the Petition of *Francis Martin* and others; and the Petition of *Daniel Wright* and others, of the County of *Ontario*.

(468)

By Mr. *James Smith*, — The Petition of the Municipality of the United Counties of *Fenelon* and *Bexley*.

By Mr. *Darche*, — Two Petitions of *H. Lanctot* and others, of the Parish of *Laprairie*; the Petition of *Romuald Bourassa* and others, of the Parish of *Laprairie*; the Petition of *Charles Varrie* and others, of the Parish of *St. Isidore*, County of *Laprairie*; the Petition of *A.M.P. Papin* and others, of the Parish of *St. Jacques le Mineur*, County of *Laprairie*; the Petition of *Pierre Nolin* and others, of *St. Norbert d'Arthabaska*; and the Petition of *T. Paradis* and others, of *St. Guillaume*.

By Mr. *Sidney Smith*, — The Petition of *Asa A. Burnham* and others, of *Cobourg*; the Petition of *A. Milne* and others, of *Cobourg*; and the Petition of the Town Council of the Town of *Cobourg*.

By Mr. *LeBoutillier*, — The Petition of the Reverend *F.A. Oliva* and others, of the Township of *Cap Rosier* and other places, in the County of *Gaspé*.

By Mr. *Holton*, — The Petition of *Frederick W. Henshaw*, of the City of *Montreal*.

By Mr. Solicitor General *Smith*, — The Petition of the *Hamilton* and *Port Dover* Railway Company.

By Mr. *Alleyn*, — The Petition of the *St. Patrick's* Catholic Institute of *Quebec*; the Petition of the Reverend *E.W. Sewell*, Incumbent, and others, Wardens of the Chapel of the Holy Trinity, *Quebec*; and the Petition of the Mayor, Aldermen, and Citizens of the City of *Quebec*.

By Mr. *O'Farrell*, — The Petition of the Reverend *E. Faucher* and others, of *St. Jean d'Eschailons* and other Parishes, County of *Lotbinière*; and the Petition of the Reverend *S. Belleau* and others, of the Parish of *Ste. Croix*, County of *Lotbinière*.

Pursuant to the Order of the day, the following Petitions were read: —

Of *Patrick Finn* and others, Bailiffs of Division Courts for the United Counties of *Lincoln* and *Welland*; and of *Constant Gauthier* and others, Bailiffs of Division Courts in *Upper Canada*; praying that the Tariff of Fees allowed them may be increased.

Of the Municipality of the Parish of *L'Isle Verte*; and of the Municipality of the Parish of *St. Eloi*; praying that the chief place of the Judiciary District of *Kamouraska* may not be changed, and that a County Court may be established in the County of *Temiscouata*.

Of *G. Rivard Dufrene*, Mayor, and others, of *La Pointe du Lac*; praying that no further guarantee may be given to the Grand Trunk Railway Company, and that the claim of the North Shore Railway Company should, as a right, be favorably considered by the Government.

Of *John Prince*, of the County of *Essex*; praying that measures may be adopted for altering and improving the present practice of the Court of Chancery in *Upper Canada*.

Of the Municipality of the Township of *South Norwich*; praying that the Bill now before the House to amend the Act incorporating the *Hamilton and Port Dover* Railway Company, may not become Law.

Of *Robert Craik* and others, of *Middlesex*; of *Thomas Fleming* and others, of the City of *London*; and of *Campbell MacDonald* and others, of the County of *Middlesex*; praying that no authority may be given to the Agricultural Society of *Elgin* to dispose of a certain block of land in the Town of *London*, granted for the holding of Free Fairs.

Of *William May* and others, of the Township of *Dalhousie*; of *D. Meyers* and others, of the Township of *Sombra*; and of *Thomas Cook* and others, of the Township of *Sombra*; praying that Representation may be based upon Population.

(469)

Mr. *James Smith*, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Eighth Report of the said Committee; which was read, as followeth:—

Your Committee have examined the Bill to incorporate a Company by the name of the North Western Railway Company, referred to them, and find the Preamble not proven, inasmuch as the proposed line would conflict with an existing Charter.

Your Committee have also examined the following Bills referred to them, and have agreed to several amendments to each:—

Bill to incorporate the *Waterloo and Saugeen* Railway Company:

Bill to incorporate the *Kingston and Newburg* Railway Company:

Bill to incorporate the International Telegraph Company, and for other purposes.

The whole of which they humbly submit for the adoption of Your Honorable House.

Ordered, That the Bill to incorporate the *Waterloo and Saugeen* Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

Ordered, That the Bill to incorporate the International Telegraph Company, and for other purposes, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House.

On motion of MR. S. SMITH¹,

(469)

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Conger* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

Ordered, That the Return to an Address of the 29th February last, on the subject of the Clergy Reserves, presented yesterday, be referred to the Special Committee appointed to examine into the Fund for the support of Common Schools.

On motion of MR. TURCOTTE,²

(469)

Resolved, That this House doth concur in the Address of the Honorable the Legislative Council to Her Most Gracious Majesty the Queen, expressive of their humble thanks to Her Majesty and to Her August Ally the Emperor of the *French*, for the very valuable Donation of Books and Maps with which Their Majesties have been pleased to enrich the *Canadian* Parliamentary Library; that the blank therein be filled up with the words "and Commons;" and that the said Address be signed by Mr. Speaker on behalf of this House.

MR. TURCOTTE subsequently moved that the Legislative Council be acquainted that the address had passed this House; and also moved an address to His Excellency praying him to cause the joint address of both Houses to be presented to Her Most Gracious Majesty.³

(469)

Resolved, That a Message be sent to the Honorable the Legislative Council, acquainting their Honors, That this House hath agreed to the Address to Her Most Gracious Majesty the Queen, expressive of their humble thanks to Her Majesty and to Her August Ally the Emperor of the *French*, for the very valuable Donation of Books and Maps with which Their Majesties have been pleased to enrich the *Canadian* Parliamentary Library, by filling up the blank with the words "and Commons."

Ordered, That Mr. *Turcotte* do carry the said Message to the Legislative Council.

(470)

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to transmit the Joint Address of both Houses to Her Most Gracious Majesty the Queen, expressive of their humble thanks to Her Majesty and to Her August Ally the Emperor of the *French*, for the very valuable Donation of Books and Maps with which Their Majesties have been pleased to enrich the *Canadian* Parliamentary Library, in such a manner as His Excellency may see fit, in order that the same may be laid at the foot of the Throne.

Ordered, That the said Address be engrossed.

Resolved, That a Message be sent to the Honorable the Legislative Council, acquainting their Honors, That this House hath passed the accompanying Address to His Excellency the Governor General, praying that His Excellency will be pleased to transmit the Joint Address of both Houses to Her Most Gracious Majesty the Queen, expressive of their humble thanks to Her Majesty and to Her August Ally the Emperor of the *French*, for the very valuable Donation of Books and Maps with which Their Majesties have been pleased to enrich the *Canadian* Parliamentary Library, in such a manner as His Excellency may see fit, in order that the same may be laid at the foot of the Throne, to which they desire the concurrence of their Honors.

Ordered, That Mr. *Turcotte* do carry the said Message to the Legislative Council.

Resolved, That this House doth concur in the Seventeenth Report of the Standing Committee on Printing.

MR. AT. GEN. DRUMMOND said he proposed to deal with the "Orders of the Day" in the same way as they had so successfully dealt with the "Notices of Motion." If the House had no objection they would go through all those second and third readings which were unopposed, and then return to the orders.⁴

MR. MACKENZIE said he had a bill upon the Orders of the Day which he could not get forward at all, while every other measure had its turn.⁵

MR. BROWN considered that some other mode should be adopted for there were several of the measures they would not be able to reach this session.⁶

MR. SICOTTE the SPEAKER said it was impossible to get through all the Orders of the Day in one night, and the unfinished business was consequently placed down on the list.⁷

MR. MACKENZIE had no objections to proceed in that way, but he would like to come to his measure.⁸

MR. S. SMITH. — If the hon. member for Haldimand would take his course and talk less they would get faster through with the business.⁹

MR. MACKENZIE. — If the hon. member for Northumberland would take less money out of the public purse their [sic] would be more in it.¹⁰

It was then decided to proceed with the unopposed measures.¹¹

On motion of MR. HOLTON, in absence of Mr. Crawford,¹²

- (470) A Bill to amend and explain the Charter of the *Brockville* Gas Company, was, according to Order, read the third time.
Resolved, That the Bill do pass, and the Title be, "An Act to amend and explain the Charter of the *Brockville* Gas Light Company."
Ordered, That Mr. *Crawford* do carry the Bill to the Legislative Council, and desire their concurrence.
 The Order of the day for the second reading of the Bill to vest a certain Road allowance in *Horace Capron* and *Myron Ames*, being read;

[On motion of] MR. CHRISTIE¹³,

- (470) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.
 The Order of the day for the second reading of the Bill to provide for the establishment of Superior Primary Schools in certain Parishes and Townships in *Lower Canada*, being read;
Ordered, That the said Order be discharged.
Ordered, That the Bill be withdrawn.
 The Order of the day for the second reading of the Bill to make better provision for the administration of the property of minors, absentees, interdicted persons, and others incapable of administering their own affairs in *Lower Canada*, being read;
Ordered, That the said Order be discharged.
Ordered, That the Bill be withdrawn.
 The Order of the day for the second reading of the Bill to change the place of sitting of the *Richelieu* Circuit Court, being read;
Ordered, That the said Order be discharged.
Ordered, That the Bill be withdrawn.
 The Order of the day for the second reading of the Bill to amend the Act to enable Ministers of the Evangelical *Lutheran* Church in this Province to solemnize Matrimony and to keep Registers of Marriages, Baptisms, and Burials, being read;
- (471)

[On motion of] MR. WRIGHT¹⁴,

- (471) The Bill was accordingly read a second time; and committed to a Committee of the whole House, for To-morrow.
 The Order of the day for the second reading of the Bill for the protection of Copyrights, being read;

[On motion of] MR. CASAULT¹⁵,

- (471) The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. *Casault*, Mr. *Charles Daoust*, Mr. *Felton*, Mr. *Sanborn*, Mr. *Sidney Smith*, and Mr. *Conger*, to report thereon with all convenient speed; with power to send for persons, papers, and records.
 The Order of the day for the second reading of the Bill to make provision for the publicity of hypothecs and real rights in *Lower Canada*, being read;
Ordered, That the said Order be discharged.
Ordered, That the Bill be withdrawn.

The Order of the day for the second reading of the Bill to amend the Charter of the *Port Whitby and Lake Huron Railway Company*, being read;

[On motion of] MR. GOULD¹⁶,

(471) The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to provide a Standard of Weights for Roots, Seeds, and Dried Fruits, being read;

[On motion of] MR. STEVENSON¹⁷,

(471) The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. *Stevenson*, Mr. *Gamble*, Mr. *Hartman*, the Honorable Mr. *Robinson*, and Mr. *Masson*, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to facilitate the examination of Candidates for admission to the Notarial Profession in *Lower Canada*, being read;

[On motion of] MR. JOBIN¹⁸,

(471) The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. *Jobin*, the Honorable Mr. Attorney General *Drummond*, Mr. *Pouliot*, Mr. *Prévost*, and Mr. *Thibaudeau*, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill for the protection of property lying on the shore of Lake *Ontario*, in the Counties of *York*, *Peel*, and *Halton*, being read;

[On motion of] MR. CHISHOLM¹⁹,

(471) The Bill was accordingly read a second time; and committed to a Committee of the whole House, for To-morrow.

The Order of the day for the second reading of the Bill to provide for a more summary and expeditious mode of recovering certain Mercantile and other debts, and for other purposes, being read;

[On motion of] MR. A. DORION²⁰,

(471) The Bill was accordingly read a second time; and referred to the Select Committee appointed to inquire into the expediency of passing a general Bankrupt Law for this Province.

The Order of the day for the second reading of the Bill to provide more effectual means for securing the payment of Life Annuities (*Rentes Viagères*), being read;

[On motion of] MR. PAPIN²¹,

(471) The Bill was accordingly read a second time; and ordered to be read the third time To-morrow.

(472) The Order of the day for the second reading of the Bill to amend the Act for the qualification of Justices of the Peace, being read;

[On motion of] MR. SOL. GEN. H. SMITH²²,

(472) The Bill was accordingly read a second time; and committed to a Committee of the whole House, for To-morrow.

The Order of the day for the second reading of the Bill to authorize the Trustees holding the Presbyterian Church in the Township of *Hull*, and the lot upon which it is situated, to sell and convey the same, and to appropriate the proceeds to a like use, being read;

[On motion of] MR. SANBORN, in absence of Mr. Alanson Cooke²³,

(472) The Bill was accordingly read a second time; and committed to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to legalize a certain School Assessment in the Parish of *St. Christophe d'Arthabaska*, being read;

[On motion of] MR. A. DORION, in absence of Mr. J.B.E. Dorion²⁴,

(472) The Bill was accordingly read a second time; and ordered to be read the third time To-morrow.

The Order of the day for the second reading of the Bill to amend the Act to incorporate the *Quebec* and *St. Francis* Mining and Exploring Company, being read;

[On motion of] CAPT. RHODES²⁵,

(472) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to authorize *Henry Augustus Fitzgerald McLeod* to practise as a Provincial Land Surveyor, being read;

[On motion of] MR. ROBINSON²⁶,

(472) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate certain persons under the name and style of the *Lake Huron* Transit Company, being read;

[On motion of] MR. A. MORRISON²⁷,

(472) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to authorize a Survey of and establish the Concession Line between the seventh and eighth Concessions of *Clarke*, and for other purposes, being read;

[On motion of] MR. S. SMITH²⁸,

(472) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill for the protection of the Fisheries in *Upper Canada*, being read;

[On motion of] MR. A. MORRISON²⁹,

(472) The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. *Angus Morrison*, Mr. *Hartman*, Mr. *Chisholm*, Mr. *Whitney*, and Mr. Solicitor General *Smith*, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill from the Legislative Council, intituled, "An Act providing for the payment of Dividends by Insurance Companies," being read;

[On motion of] MR. S. SMITH³⁰,

(472) The Bill was accordingly read a second time; and committed to a Committee of the whole House, for To-morrow.

(473) The Order of the day for the second reading of the Bill from the Legislative Council, intituled, "An Act to enable the Church Wardens of *St. George's Church* in the Town of *St. Catharines*, to sell and convey four acres of land originally purchased as 'a site for a Parsonage,' and for other purposes," being read;

[On motion of] MR. MERRITT³¹,

(473) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to alter the Survey of that part of the third Concession of *Onondaga*, commonly called *Martin's Bend*, and to confirm a new Survey thereof, and for other purposes, being read;

[On motion of] MR. AT. GEN. J.A. MACDONALD³²,

(473) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate certain persons therein named under the style and title of the Millers' Association of *Canada West*, being read;

[On motion of] MR. GAMBLE³³,

(473) The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend the Act 16 *Vic. cap. 13*, intituled, "An Act to provide for the better organization of Agricultural Societies in *Lower Canada*, and for other purposes connected with Agriculture in *Upper* and *Lower Canada*," being read;

[On motion of] MR. SOL. GEN. D. ROSS³⁴,

(473) The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Solicitor General *Ross*, Mr. *Poulin*, Mr. *Rhodes*, Mr. *Felton*, Mr. *Taché*, Mr. *Valois*, Mr. *Chapais*, Mr. *Laporte*, and Mr. *Octave Cyrille Fortier*, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to amend the 36th Section of the Act 16 *Vic. cap. 11*, being read;

[On motion of] MR. MERRITT³⁵,

(473) The Bill was accordingly read a second time; and committed to a Committee of the whole House, for To-morrow.

The Order of the day for the second reading of the Bill to amend the Act 12 *Vic. cap. 78*, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

The Order of the day for the second reading of the Bill for the preservation of Salmon in the Rivers *St. Lawrence* and *Saguenay*, and their tributaries, being read;

[On motion of] MR. PRICE³⁶,

(473) The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. *Price*, Mr. *Taché*, Mr. *Chapais*, Mr. *Dufresne*, Mr. *Octave Cyrille Fortier*, Mr. *Casault*, Mr. *Dionne*, and the Honorable Mr. *Cauchon*, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to facilitate the arrangement of the Estates of Bankrupts in *Lower Canada*, being read;

[On motion of] MR. FELTON³⁷,

(473) The Bill was accordingly read a second time; and referred to the Select Committee appointed to inquire into the expediency of passing a general Bankrupt Law for this Province.

Ordered, That Mr. *Felton* be added to the said Committee.

(474) The Order of the day for the second reading of the Bill to expedite the Proceedings in Suits arising out of Commercial matters, being read;

[On motion of] MR. LORANGER³⁸,

(474) The Bill was accordingly read a second time; and referred to the Select Committee appointed to inquire into the expediency of passing a general Bankrupt Law for this Province.

The Order of the day for taking into consideration the Fourth Report of the Standing Committee on Contingencies, being read;

Ordered, That the said Report be committed to a Committee of the whole House.

On motion of MR. JOBIN³⁹,

(474) *Resolved*, That this House will immediately resolve itself into the said Committee.
The House accordingly resolved itself into the said Committee;

The first clause was as follows: — Your Committee have considered the Petition of Lemuel Cushing, referred to them by your Honorable House, praying that the legal costs of the Commissioner in the case of the Argenteuil Contested Election, and his Clerk, together with those of the Witnesses (as they may be taxed,) to the amount of one hundred pounds, be paid from the Contingencies of the House. Your Committee recommend that the Accountant be authorized to pay the said sum of one hundred pounds, also the costs of the said Commissioner and the salary of his Clerk.⁴⁰

This clause ... [was] opposed by MR. AT. GEN. DRUMMOND, MR. MACKENZIE, and others⁴¹, on the ground that ... [the expenses] should be borne by the defeated party.⁴²

This clause was lost on a division, by a large majority.⁴³

The next clause ... was as follows: —

The Report of Mr. Wicksteed, Law Clerk, who was authorized by your Honorable House, on the 8th November, 1854, "with such assistance as he might deem necessary, to prepare an index of the Statutes now [in force] in this Province, as full and complete, and upon the same plan, as that of the Revised Statutes of Canada West," was duly considered; and it is recommended that the sum of ten pounds, incurred by Mr. Wicksteed for expenses from Quebec to Toronto and back, in August, 1855, superintending the completion of the said work, be paid him; and also, as the opinion of this Committee, that the work of Mr. W.C. Keele, as assistant to the Law Clerk in compiling said Index, during the period of eighteen months, entitles him to the sum of five hundred pounds, in addition to the sum of one hundred pounds already paid on account, and to include the completion of the tables of the Statutes now nearly completed.⁴⁴

MR. MACKENZIE objected strenuously to the clause.⁴⁵

After some discussion it was put and carried.⁴⁶

The next clause was as follows: — "Your Committee have had under their consideration a letter of the officers of your honourable House, and transmitted to your committee by the hon. the Speaker. The letter adverts to the act of last session, enabling the Governor in Council to raise the salaries of the officers of the Executive Government, and refers to the order of the House of the 29th May last, which authorized the Speaker to make such gratuity to each of the permanent officers of the House, (for the then present year) as should not exceed that contemplated by the said act, in favor of the officers in the other public departments, and states the fact that the increase was thus made permanently to those in whose favor the act was passed, while to the officers of your honorable House the increase was confined to a gratuity for the year. The letter further states, that the necessity for the permanency of such an addition to their present salaries is even greater than last year. And that it is conceived the House does not intend to make any distinction, to the disadvantage of its own officers, as compared with those of the Executive Government. Upon due consideration of the subject matter of the above letter, your committee recommend that an increase of salary be granted to the permanent officers of this House, at the same rate or per centage, and proportioned as the salaries of the officers in the Government departments have been increased. And they further recommend that the salary or remuneration of all the other officers and employees, temporarily employed, be increased at the same rate, for the present year.⁴⁷

MR. BROWN would oppose the ... [clause]. In 1853 and again last year, the salaries of the officers and employees of the House had been largely increased, and now the House was asked to consent to a permanent increase in the salaries of all its officers. He hoped the House would consider well, before acceding to such a proposition as this.⁴⁸ The salaries ... now amounted to £18,000. This increase now proposed would bring them to upwards of £22,000 a year. He thought that generally speaking the officers of the house were paid very handsomely, and that it would be wrong to increase their salaries in the wholesale way now proposed.⁴⁹ The way in which that House spent, or rather mis-spent, the public money, was most unjustifiable; and he hoped hon. gentlemen would set their faces against any additional extravagance.⁵⁰ He would move that that portion of the report go back to the Contingencies Committee, with instructions to report to the house a statement in detail of the present salaries of the officers of the house, and the amount that each was proposed to be increased.⁵¹

MR. CHABOT considered it strange that this House should refuse to increase the salaries of their officers when they had authorized the Legislative Council to encrease the salaries of that House.⁵²

DR. T. FORTIER hoped the House would not reject that report in consequence of the frivolous arguments of the hon. member for Lambton. That Report was unanimously supported by the committee.⁵³

MR. TURCOTTE also supported ... the proposition of the Committee.⁵⁴ [He] wished to know from the hon. member for Lambton if he was desirous that the officers of the House should starve, when by his own vote they had been brought up here where everything was so much more expensive than it was in Quebec.⁵⁵

MR. HARTMAN had no objection to vote for the increase to the officers, but at the same time, he considered the request of the hon. member for Lambton only reasonable, that the committee should bring down a list of the salaries of the officers at present, with the increase proposed to each. There were some no doubt, whose long service and whose faithful discharge of duty entitled them to an increase, which he had no doubt would be voted by the House unanimously, while there were others who might not so much deserve it.⁵⁶ He was opposed to increasing all the salaries *en bloc* in this wholesale, indiscriminate manner.⁵⁷ It was impossible to make the selection from the data given in the report, he thought the report should be therefore referred, and sent down with the list of officers with their present salaries.⁵⁸

The House rose as it was 6 o'clock.⁵⁹

[After the recess,]

MR. BROWN moved an amendment to the third clause "That it be not adopted, but that the committee rise and report progress, and that ... [the] report be referred back to the contingencies committee, with instructions to submit to the house a statement in detail of the officers, and their salaries."⁶⁰

DR. T. FORTIER said that the opposition of the hon. member for Lambton was not directed so much against this particular clause as against the entire report. It was most ridiculous in that hon. gentleman thus to oppose the report of a committee, by whom the subject had been so fully and carefully investigated.⁶¹

MR. LYON said that the opposition of the hon. member for Lambton to this clause might appear very plausible to those unacquainted with the object thus aimed at by the hon. member. That object was to defeat the entire report of the committee; and he hoped the hon. gentleman would fail in his attempt. He (Mr. Lyon) would be the last person to vote an increase in the salaries of any officers of that House, if the increase was not required. But such was not the case in the present instance. The increase asked for by the committee was absolutely necessary. If the committee rose, in accordance with the motion of the hon. member for Lambton, he would move in amendment, that the first [sic] clause of the report be concurred in by the House.⁶²

MR. SOL. GEN. D. ROSS said, this increase was only asked for in order to keep up the salaries to their former level. The clerks should be treated all alike, and they should have their salaries increased in proportion to their present expenses above what they formerly were.⁶³

MR. WILSON said he would recognize as a principle that the salaries of the officers of this House should be as high as those of the officers of the Legislative Council.⁶⁴ (Hear, hear.)⁶⁵ He would recognize as another fixed principle that whatever was the increase in their living their salaries should be

increased to meet that. If living had increased 40 or 50 per cent. more than it was some years ago, then it would not be unreasonable to increase the salaries of these officers at the same ratio. But as a general thing, they would find that whatever increase they made, the officers would live up to it, and they would just be as needy at the end of the year as before. It was said the salaries of all the officers should be increased, but this, although apparently just, was an unjust principle, because some officers perform their duty better than others.⁶⁶ Those officers who performed their duties most to the satisfaction of the heads of the departments should have an increase; but those who frittered away their time, and did not take a sufficient interest in performing their duties properly, ought not be favoured.⁶⁷ Such a discrimination was made in all public businesses — and should be made here. While therefore, he would vote for this report, it was with the understanding that this increase should not be permanent.⁶⁸

MR. TURCOTTE said the principle laid down by the hon. member for London was not a sound one. Whenever a public officer failed to do his duty satisfactorily, he should be turned out.⁶⁹

MR. WILSON said ns [sic] the increase had been sought in consequence of the increased living, it was a correct principle that those officers who had families should receive a greater increase than others who had no families to support.⁷⁰

The motion for the Committee rising, reporting progress, and asking leave to sit again, was then put and negatived.⁷¹

The paragraph was passed on a division.⁷²

The next clause was as follows: —

Your Committee also recommend that the sum of fifty pounds be added to each of the present salaries of Charles Langevin, Assistant Accountant; and of William Wilson, Assistant English Translator, from the commencement of the present year.⁷³

The remainder of the Report was adopted, and the Committee rose and reported the Report as amended.⁷⁴

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Loranger* reported, That the Committee had come to several Resolutions; which were read, as follow: —

1. *Resolved*, That the first paragraph of the Fourth Report of the Standing Committee on Contingencies be struck out.

2. *Resolved*, That this House doth agree with the Committee in the remaining paragraphs of the said Report.

Mr. *Thomas Fortier* moved, seconded by Mr. *Turcotte*, and the Question being proposed, That the said Resolutions be now read a second time;

Mr. *Brown* moved in amendment to the Question, seconded by Mr. *Hartman*, That all the words after "That" to the end of the Question be left out, and the words "so much of the Fourth Report of the Standing Committee on Contingencies as refers to a general increase of the Salaries of the Officers of this House be referred back to the said Committee, with an Instruction to report in detail the present Salary of each Officer to whom an increase is proposed to be awarded, and the amount of augmentation proposed to be given in each case" inserted instead thereof;

MR. MACKENZIE supported the motion.⁷⁵

The House then divided on the motion⁷⁶.

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Biggar, Brown, Chisholm, Christie, Church, Cook, Daly, Darche, Delong, Dostaler, Dufresne, Ferrie, Foley, Frazer, Gamble, Gould, Guvremont, Hartman, Jackson, Jobin, Lumsden, John S. Macdonald, Mackenzie, Marchildon, Masson, Matheson, Mattice, Merritt, Munro, Patrick, Price, Sanborn, Scatcherd, Shaw, Somerville, Southwick, Stevenson, Wilson, and Wright.* — (41.)

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Messieurs *Alley, Bowes, Brodeur, Bureau, Cartier, Casault, Chabot, Chapais, Conger, Charles Daoust, Jean B. Daoust, Desaulniers, Dionne, Attorney General Drummond, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Holton, Huot, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Lyon, Roderick McDonald, Meagher, Joseph C. Morrison, Angus Morrison, Pouliot, Prévost, Rolph, Solicitor General Ross, Solicitor General Smith, Sidney Smith, James Smith, Taché, Turcotte, Valois, and Yeilding.* — (43.)

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So it passed in the Negative.

Then the main Question being put;

Ordered, That the said Resolutions be now read a second time.

The first Resolution, being read a second time, was agreed to.

The second Resolution being read a second time;

MR. WILSON then moved in amendment that the report be not now concurred in, but that it be referred back to a committee of the House forthwith, to provide that this augmentation shall be for one year only.⁷⁷

DR. T. FORTIER contended that the effect of this motion would be to place the officers of this House in an unfair position compared to those of the executive and of the other House.⁷⁸

MR. HOLTON said that he had been induced to vote against the amendment of the hon. member for Lambton, because he believed the case was a special one; he felt that the officers of the House required some remuneration for the enormous cost incurred by them in removing from Quebec to Toronto, and also on account of⁷⁹ the extraordinary rise of the cost of living in Toronto.⁸⁰ For that reason he voted against the motion of his hon. friend. He would, however, feel himself compelled to vote for the amendment of his hon. friend for London, because he thought that although an increase was necessary, that increase ought not to be made permanent. The House ought not to deprive itself of the opportunity of reviewing this question next session.⁸¹

MR. AT. GEN. DRUMMOND hoped that the motion would be carried, as he thought it would be fair that the House should be at liberty to take up the matter again next year.⁸² He believed there was a strong feeling in that House in favor of putting their officers on a footing with those of the Legislative Council. He trusted therefore that no opposition would be offered to the motion.⁸³

MR. JOBIN suggested that the increase should be only for the present year.⁸⁴

MR. WILSON then altered his motion accordingly.⁸⁵

The motion was agreed to without a division, and the Report was adopted as amended.⁸⁶

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On motion of Mr. *Wilson*, seconded by Mr. *Holton*, an Amendment was made thereunto, by adding the words "with the exception that the proposed per centage be limited to the current year only" at the end thereof;

And the second Resolution, so amended, was agreed to by the House; and is as followeth: —

Resolved, That this House doth agree with the Committee in the remaining paragraphs of the said Report, with the exception that the proposed per centage be limited to the current year only.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz: —

Bill, intituled, "An Act to incorporate the Town of *Galt*, and to define the limits thereof."

Bill, intituled, "An Act to vest in *Samuel Doolittle* and *Robert Johnson* a certain allowance for Road in the Township of *Haldimand*."

Bill, intituled, "An Act to amend the Provincial Act appropriating the moneys arising from the Clergy Reserves:"

Bill, intituled, "An Act to revive, continue, and amend the Act incorporating the *Hamilton* and *Port Dover* Railway Company:" And also,

The Legislative Council have passed a Bill, intituled, "An Act to amend an Ordinance of *Lower Canada* for the relief of certain Religious Societies," to which they desire the concurrence of this House.

And then he withdrew.

The House resumed the further consideration of the Bill to incorporate a Company to construct a Railway from the City of *London* to intersect the Grand Trunk Railway at *St. Mary's*, or at some point north of *London*.

Mr. *Wilson* moved, seconded by Mr. *Scatcherd*, and the Question being proposed, That the Bill do pass, and the Title be, "An Act to incorporate the *London* and Grand Trunk Junction Railway Company;"

MR. BROWN said the House would recollect that this bill contained a clause to authorize this company to build a road from London to St. Mary's to connect the Great Western with the Grand Trunk. There was no objection to let the hon. gentleman have his bill to enable the company to build a road from London to St. Mary's;⁸⁷ the great objection to it was to be found in the clause, which proposed that the company should be amalgamated with the Grand Trunk, and that the road should be a link of the Grand Trunk. He considered they had had quite enough of Grand Trunk extensions already — (hear, hear) — and that it would be very inexpedient to allow the company to deviate from its original route, direct to Port Sarnia. The Grand Trunk had already got an extension of the time for building the Sarnia line to the year 1860, and if the company got this link built to London, they would have no hold on them to compel their ever finishing the line to Sarnia. When the matter was up before he moved that the clause giving the company the power of amalgamation with the Grand Trunk be struck out. That was lost, but he would now move another amendment to which he hoped the house would accede. It was clear that all the difficulties into which they had been brought in connection with railway matters, had arisen from these amalgamation powers. Had they refused those powers to the Grand Trunk and other railroads, they would not now be occupying the position they did. The practical effect of this measure would be to enable the Grand Trunk and Great Western Companies to coalesce, and thus build up an immense Corporation, with powers injurious to the well-being of the community. He therefore moved in amendment, "That the Bill do not now pass, but that the consideration thereof be postponed for two weeks."⁸⁸

MR. WILSON was surprised that the hon. member for Lambton should attempt to defeat this Bill by this motion. The hon. member takes it for granted that because there is a clause in this Bill, empowering them to amalgamate with any other Company, — as is the case in all railway Bills, — and that as there are three Companies with which they may amalgamate, the giving this power to this Company will change the terminus of the Grand Trunk. The hon. member knows very well that a short road of 16 or 20 miles can never be run profitably alone — it must be connected with some other road. The municipalities are willing and ready to build this road, and they will be obliged to amalgamate with one or other of these three roads. But what connexion this had with the Grand Trunk terminus seemed to

him somewhat mysterious.⁸⁹ The argument ... was a mere bugbear got up by the member for Lambton, from a desire to please the people of Lambton, who were very much afraid that the Grand Trunk would never go to Sarnia. He held that the passing of this Bill [sic] would not discharge the Grand Trunk from any one of its obligations.⁹⁰ It was quite possible this was one of the best connexions we could have, and yet they would refuse to allow it to be built — ⁹¹

MR. BROWN. — No; we want the road.⁹²

MR. WILSON. — Yes, but you refuse it the right to amalgamate, and thereby deny us the best connexion the Grand Trunk could have of the whole road. You deny the connexion to the city of London, a city of 17,000 inhabitants, and from which last year 600,000 bushels of wheat were sent out, and this trade, which is increasing, you will send to the States by the Suspension Bridge. You thereby prevent the back trade from coming to Toronto, along the Great Western line. Had that connexion been made this spring a great part of the trade would have gone by that very line. There was no lawyer in this House who would stand up and say that this amalgamation could possibly relieve the Grand Trunk Company from their original conditions, or give them power to change the terminus of the road. He hoped the House would pass the Bill notwithstanding the opposition of the member for Lambton.⁹³

The motion was put and lost⁹⁴.

(475)

Mr. *Brown* moved in amendment to the Question, seconded by Mr. *Aikins*, That all the words after "That" to the end of the Question be left out, and the words, "the further consideration of the Question be postponed until this day fortnight" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

(475-476)

YEAS.

Messieurs *Aikins, Brown, Bureau, Casault, Chapais, Christie, Clarke, Delong, Desaulniers, Dionne, Dostaler, Dufresne, Fergusson, Fournier, Frazer, Gill, Gould, Hartman, Jobin, Lumsden, Lyon, John S. Macdonald, Roderick McDonald, Mackenzie, McCann, Marchildon, Masson, Mattice, Munro, O'Farrell, Patrick, Prévost, Shaw, Sidney Smith, James Smith, Somerville, Thibaudeau, Valois, Wright, and Yeilding*. — (40.)

(476)

NAYS.

Messieurs *Alleyn, Bell, Biggar, Brodeur, Burton, Cameron, Cartier, Cayley, Chabot, Conger, Cook, Daly, Jean B. Daoust, Antoine A. Dorion, Attorney General Drummond, Felton, Ferrie, Foley, Gamble, Guévremont, Holton, Jackson, Laporte, Larwill, Lemieux, Loranger, Macbeth, Attorney General Macdonald, Matheson, Merritt, Joseph C. Morrison, Angus Morrison, Niles, Pouliot, Price, Robinson, Sanborn, Scatcherd, Solicitor General Smith, Southwick, Spence, Stevenson, and Wilson*.

— (43.)

So it passed in the Negative.

And the Question being again proposed, That the Bill do pass, and the Title be, "An Act to incorporate the *London and Grand Trunk Junction Railway Company*;"

MR. S. SMITH said that some members might have thought the effect of the previous amendment would be to throw out the Bill for the session. To obviate that, he would move — "That the Bill do not now pass, but that the further consideration thereof be postponed for one week."⁹⁵

(476)

Mr. *Sidney Smith* moved in amendment to the Question, seconded by Mr. *Patrick*, That all the words after "That" to the end of the Question be left out, and the words "the further consideration of the question be postponed until this day week" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Aikins, Bell, Brown, Bureau, Casault, Chapais, Christie, Church, Clarke, Conger, Charles Daoust, Darche, Delong, Desaulniers, Dionne, Dostaler, Dufresne, Fergusson, Octave C. Fortier, Frazer, Gill, Gould, Hartman, Huot, Jobin, Labelle, Lumsden, Lyon, John S. Macdonald, Roderick McDonald, Mackenzie, McCann, Marchildon, Masson, Matheson, Mattice, Meagher, Munro, O'Farrell, Patrick, Prévost, Rolph, Shaw, Sidney Smith, James Smith, Somerville, Thibaudeau, Turcotte, Valois, and Yeilding. — (50.)

NAYS.

Messieurs Alleyn, Biggar, Brodeur, Burton, Cameron, Cartier, Cayley, Chabot, Cook, Daly, Jean B. Daoust, Antoine A. Dorion, Attorney General Drummond, Felton, Ferres, Ferrie, Foley, Gamble, Guévremont, Holton, Jackson, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Macbeth, Attorney General Macdonald, Merritt, Joseph C. Morrison, Angus Morrison, Murney, Niles, Pouliot, Powell, Price, Rankin, Robinson, Solicitor General Ross, Sanborn, Scatcherd, Solicitor General Smith, Southwick, Spence, Stevenson, Taché, Wilson, and Wright. — (48.)

(477)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the further consideration of the Question be postponed until this day week.

Mr. Crawford reported the Bill to amend and consolidate the several Acts incorporating and relating to the Bank of *Montreal*; and the amendments were read, and agreed to.

MR. HOLTON ... [said that] before proceeding to move that the bill be read a third time he begged to move the re-introduction of the 22nd clause as it stood in the original bill. That clause⁹⁶ enables the Bank to charge an agency on bills discounted at distant points, not exceeding half per cent.⁹⁷ [It] had been struck out in committee of the whole, because it was contended that it enabled the bank to charge more than the legal interest of 6 per cent. The clause gave no other power than that posses[s]ed by all other bank[s]. There was a good deal of prejudice against the banking institution[s]. A prejudice altogether unreasonable, for the country had just reason to be proud of its banking institutions. The effect of keeping out this clause would be to compel the banks to abolish their agencies altogether. The clause now stood in the charter of the bank, and the present bill being merely a consolidation of the acts incorporating it, — the only change being more fully to define and limit the privilege of the bank. He would therefore move that the original clause be inserted.⁹⁸

MR. LORANGER did not intend to oppose this bill; but would call the attention of the House to his bill which he was going to introduce before the present bill was passed; inasmuch as he did not want to make a special legislation in favor of the Bank of Montreal⁹⁹, but he wished the principle introduced into the general legislation of the country.¹⁰⁰ One of the features of his bill was a clause to compel banks to redeem their own notes, in payment of debts due to them, at par.¹⁰¹ The Banks of Upper Canada had an Agency in Montreal. If you own a note of £100 of that Bank, and, in payment, you take their note, payable in Quebec or some other place, and these would be refused to be taken at par, it was most unfair.¹⁰²

MR. ALLEYN opposed the motion, the effect of which he said was to enable Banks to charge 8 per cent interest instead of 6.¹⁰³ The Banks were, generally, in a flourishing condition, and he could not see the propriety of giving them the power claimed by them. By the present system they were frequently enabled to charge an unusual rate of interest.¹⁰⁴ If this amendment were carried, it would hamper the operations of trade very much.¹⁰⁵

MR. DUFRESNE thought there could be no objection to allow the banks the right to charge interest upon exchange, as provided in all the bank charters. If the trade in exchange were to be considered a legal one, there could be no objection to granting the right to charge interest, provided they were guided

by some proper limit. Any charge to be made, however, should be made by a special Act, and not in this bill, which had reference only to the bank of Montreal.¹⁰⁶

MR. J.S. MACDONALD said, we are called upon for the first time to legalize a practice which was before illegal. The transaction with the Commercial Bank at Belleville had attracted the popular attention on this subject, and these bills were now introduced to make the practices legal. The adoption of the principle would prove most injurious to the commercial [sic] interests of the country.¹⁰⁷ If they agreed to this, he ventured to say that Banks, to increase their profits, would so alter their system of operations, as to be able to get 12 per cent., by putting half per cent. on 20 and 30 day bills.¹⁰⁸ He continued to say that the House ought to protect the community against the Banks, and he would prefer to give them the power to charge 6½ per cent, rather than¹⁰⁹ allow them to charge in this side-way.¹¹⁰ From the practice he had experienced, he thought the interests of the public ought to be guarded. It was said the Banks would withdraw their agencies. They would not withdraw their agencies, for they could no more do without them than without institutions in Kingston or Montreal. To allow the Banks to charge this ½ per cent on paper of two months date, would give them an extraordinary power which they ought not to have.¹¹¹

MR. MURNEY thought the question was settled the other evening. But as it had been again brought up he would express his opinion on the subject. In his opinion if we had banks in this country, worthy of the name, this question would not have arisen. We had no banks in Canada worthy of the name, and consequently all our energies and enterprises were crippled. It was true they had persons in this country [sic] calling themselves bankers, bank directors and so forth; but they were no better than common shavers.¹¹² These percentages were not charged for the benefit of those compelled to borrow but to create a fund for the stockholders. The very asking of this clause now showed that the Banks had hitherto charged these percentages illegally;¹¹³ that they have been practising a fraud upon the public for years, of which the Legislature has been ignorant. Was the house going to legalize what was now illegal?¹¹⁴ Where the Banks charged ½ [per] cent legitimately for collection at a discount, the courts would sustain the charge, but they now forced parties to draw on Syracuse and Albany where they had no funds with a view to getting large interest.¹¹⁵ He had always looked upon Banks as being as well for the private benefit of stockholders, as for public benefit. But they lead a man on to a precipice. After giving him all the accommodation he wanted, they pounced upon him at the very moment when he had the opportunity of turning his years' earnings to advantage.... He would give no power to a Bank beyond their charter¹¹⁶ [and] would record his vote against the clause.¹¹⁷

MR. GAMBLE differed very materially from the hon. member for Hastings, and thought that if there was any single institution in this country of which it should be proud, it was its banking institutions.¹¹⁸ The bankers had been denounced by a gentleman of the long robe, but there were commercial men in the House who would not join in his denunciation.¹¹⁹ These institutions had now by law a perfect right to collect a quarter or half per cent. to pay the expense of collecting Bills of Exchange which are drawn at a place where they are not payable¹²⁰, and it had never been complained of till recently. The member for Hastings talked of the bankers as though they could do as they pleased; as if there were not two parties to the bargain. As to leading men on to a precipice, that certainly could not be very profitable to a monetary institution.¹²¹ He would give his hearty support to the measure.¹²²

MR. BOWES thought it was strange that the whole opposition to the restoration of this clause came from hon. gentlemen of that house who were in the legal profession. (Hear, hear.) It was not for the advantage of the banks that this clause should be restored, but if it was not it would deprive a large portion of the mercantile community of the benefit they derive under it. Was there any hon. member in the house desiring to protect the interests of the merchants and to prevent the banks shaving, who would object to vote for this clause, which limited the amount they could charge to half per cent., and would they

deprive merchants of these Bank Agencies? If a bank could not do business profitably they would lock up their capital. He (Mr. B.) had no doubt that every professional man in the house would vote against the restoration of the clause, because that they were voting to put¹²³ four times the amount proposed to be allowed to the Banks into their own pockets.¹²⁴ (Hear, hear.)¹²⁵ What would be the effect of the omission? Instead of paying the banks perhaps 2½ per cent on a small note, for want of an agency for collection, a merchant must send his note to a lawyer, who would charge 3s 6d for receiving the letter, 3s 6d for writing an answer, and 2½ per cent for commission. No wonder that lawyers were opposed to the act; but at present the member for Hastings admitted that the law permitted this charge. In fact, it was at present legal to charge one per cent in Lower Canada, and the bill limited them to a half per cent. He could mention a case to illustrate the propriety of the banks getting a commission in such cases: A man who was too late to get a bill on London at the banks, had to send money through by the post, and lost it.¹²⁶

MR. S. SMITH (Northumberland) wished to state that the banks had already the right to charge a half per cent. for their trouble of collecting a bill. (Hear, hear.) If they had that right why was this clause attempted to be thrust upon the house? Clearly only for the purpose of allowing the banks, not to charge for their trouble, but for interest which the Legislature would not allow them to charge — (hear, hear.) — and affording a cloak for usurious transactions. It need not be supposed that he was in any way connected with banks — (hear, hear.) — but¹²⁷ with reference to the attack made by the senior member for Toronto against hon. gentlemen of the legal profession, he would merely say that for independence of principle and uprightness of character, he would be ready at any time to place those gentlemen in juxtaposition with those Toronto merchants, who, in the eyes of that hon. gentleman, seemed to be the *ne plus ultra* of perfection, and he had not the slightest doubt that — to say the least of it — they would compare favorably with that real Simon Pure, the mercantile community of Toronto.¹²⁸ (Laughter. Hear, hear.) The effect of passing this clause was, that it prevented the Agencies of all the banks throughout the country from transacting any business for the farmer's benefit.¹²⁹

MR. WILSON could not see what objection there could be to a bank obtaining the value of money at a particular day, and the effect of this restriction would be, as was the case in this city, that three per cent. was continually being paid by needy persons to shavers, while those persons could go to a respectable institution, and get the money for one half or one per cent.¹³⁰ It was said the banks could charge a half per cent for collecting, but this was doubted, and the doubt was sufficient to justify the House in passing the law.¹³¹ He thought that one half per cent. as the maximum would be too much, one quarter was sufficient. But he was quite ready to vote with the motion, and a uniform rate should be fixed for both sections of the Province.¹³²

MR. CAMERON said it appeared to him that the [sic] clause was divided into three portions. First, that the banks were entitled to take discount beforehand; second, that they had a right to change [sic] the one-half per cent; and thirdly, that they had a right to charge a note, when it fell due, against a depositor's account [sic]. Now he thought there could not be the slightest doubt of either the former or the latter portion of the clause. But the centre portion stood quite in a different footing.¹³³ Any bank was entitled to take the discount off a bill at the time it was discounted, whether it was six per cent. per annum or not, and if the party had a deposit account at the bank, and he has made a note payable there, the day it becomes due, the bank could charge it to his account. That was now the law.¹³⁴ [But] the central part of the clause had become necessary by a decision of a jury at Toronto that commission on collection was wrong.¹³⁵ The difficulty, however, was that some hon. members considered that the clauses as drawn now, would render the whole thing a cloak for usury. But he considered that that was a difficulty which was more imaginary than real.¹³⁶ He agreed with the member for Northumberland, that if a bill was made payable simply to give the one-half per cent, the transaction would be injurious and null; but if a man had a bill on a distant place which he wanted discounted, there was no doubt that the law

allowed them to charge for the trouble of collection. The matter was, therefore, after all, only a matter of words, for of course people who wanted discounts would bring such paper as the banks would take. He then went on to point out that there was no restriction whatever on the commission which could be charged on foreign bills; and to restrict the banks from charging commission, to pay them for their trouble, on inland bills, would be to drive banking accommodation out of domestic into foreign channels.¹³⁷ The profits of banks were derived principally from deposits, of which they had the use without paying interest. If banks were prohibited from charging for services, those services would not be rendered.¹³⁸ It was very strange to him to find that this Bank of Montreal was coming here to place itself under a greater restriction than was imposed upon it by the statute now in force in Lower Canada.¹³⁹ The hon. gentleman then proceeded to read the Act 12th Vic., chap. 22, section 22, by which it was provided that the Bank of Montreal might charge one per cent on all bills — thus, in fact, allowing the Bank to charge one half per cent more than they now asked for. This charge they were empowered to levy for the purpose of covering the outlay necessary for their agencies, expenses and exchanges.¹⁴⁰ He thought there would be no difficulty in the clause being adopted with the half per cent. in, if these words were to be inserted in the Bill, "Agency, expense, or exchange," because then no transaction could be had which was not of a *bona fide* character. (Hear, hear.)¹⁴¹ The Board of Trade were anxious to have the charge fixed by law.¹⁴²

MR. HOLTON had no objection to the introduction of those words.¹⁴³

MR. INSP. GEN. CAYLEY said, it appeared to him that hon. gentlemen opposite, seemed determined to drive the capital out of the country. Surely it was a strange principle to assert, that the money or property of a bank should be dealt with differently from that of a private individual, that such an institution should not be allowed to invest its capital as [sic] profitably as possible. They had given charters to banks, and invited them to come here and invest their capital for our benefit, and, he would ask, were they to impose restrictions on their profitable investment of their capital? He would appeal to any hon. gentleman in that House, having money at his command, would he be willing to lend it out at a similar losing rate of interest to that at which they now asked the banks to lend out theirs? In England, the banks were not placed under any discounting limits whatever. Banks may charge what discount they please. At the present moment, the Bank of England was actually charging six per cent. on short paper, and seven or eight per cent. on long paper. Now, it was perfectly evident, that if Canadian banks could invest their money in England at 7 or 8 per cent, it could not be expected they should retain it here and lend it at six per cent. Nor did they do so. Only a few weeks since, he learned that one of our banks was lending its money in New York at the rate of two per cent. per month. He had also been informed that in this city¹⁴⁴ the Banks were lending their money, through Brokers, at much more than 6 per cent¹⁴⁵. And it was but right. They could not compel the bank to lend them its money at a rate which would be ruinous to itself. It was recorded in the history of France, and similar instances had, doubtless, taken place in other countries — that when the due order was issued to all the bakers, commanding them to sell their bread at a certain rate, the consequence was that in a short time the bakeries were nearly all shut up, because they could not afford to sell at the price fixed. And a similar result would follow if we attempted to compel our banking institutions to invest their capital at a loss. The result would be to drive a banking capital out of the Province. Money would always command a fair value. Notwithstanding every restriction it would find its true level. As an instance of this, he would state that within the last few weeks, the promissory note, at a short date, of one of the wealthiest inhabitants of this city, was sold at fifteen per cent. discount. The hon. gentleman concluded by supporting the measure.¹⁴⁶

MR. MACKENZIE spoke at some length against the clause. He was entirely opposed to giving such powers to these Institutions. There were no such powers given to the Banks in the State of New York.¹⁴⁷ The Banks had peculiar privileges, for which they ought to do something for the public; and the present demand was urged in the House by parties who were all interested in Banking.¹⁴⁸ He was

not surprised at the hon. member for Montreal, who was a director in the Bank, being anxious to pass this Bill, nor at the learned member for Toronto, who was a director in another Bank, supporting it. He was not surprised that [sic] the Attorney General, the Usurer General of the Trust and Loan Company, pressing such a clause upon the House. His concern borrowed money at 2 per cent in England and lent it out to the farmers here at 8 per cent. There was no need of such a measure. Money was perhaps a little scarce just now, but now that peace is likely to continue it would soon again be plentiful.¹⁴⁹ They were told the banks would not keep up branches, unless they got this power. He believed, however, that the branches would prove profitable enough, by their being the means of circulating the notes of the banks. He thought it would be very unjust to alter the clause from the position in which the Private Bills Committee had placed it.¹⁵⁰ The legal gentlemen in this House are interested in passing such a clause, but he had nothing to do with any Bank whatever, and he asked no favor from them, and would therefore vote against the clause.¹⁵¹

MR. PROV. SEC. CARTIER contended that it was only right that this clause should be restored.¹⁵² The privileges allowed by the law of Lower Canada were greater than those allowed by this clause.¹⁵³ When four per cent. could be charged upon a Bill drawn by a Montreal merchant upon his customer in Upper Canada, surely it must be confessed that the Bank of Montreal was acting very liberally in only asking one-half per cent. The country, instead of attributing to the company any usurious conduct, should give them credit for that liberality.¹⁵⁴

MR. AT. GEN. J.A. MACDONALD thought it evident that the merchants of the country feel that there is not sufficient Banking capital in the country. That was clear by the numerous applications constantly being made for increased capital.¹⁵⁵ Some encouragement ought to be made to gentlemen to invest their capital in this country, for Banks were not the most profitable means of investing money. So uncertain are the profits of some of these banks, that they have been obliged to get permission from the Legislature to dispose of their additional stock in England, because they were unable to sell it in this country.¹⁵⁶ Every man could make more in other directions. Yet, applications were coming in for charters from all parts of the country, but the stocks in these Banks would certainly not be taken up, unless¹⁵⁷ [they were] enabled to make a fair profit upon their money. (Hear, hear.) That was the view of the entire commercial community of the country. If that were to be done they would put out their money here.¹⁵⁸ [But] they restrict them to 6 per cent, and will not allow such an additional [charge] for the transaction [sic] of the business as will pay expenses. It was very true that some of the banks were paying 8 per cent dividend now,¹⁵⁹ but they had a few years back only paid 5 or 7 per cent and two of them had reduced their capital 25 per cent, so that the 8 per cent was actually payable upon only $\frac{3}{4}$ of their capital invested.¹⁶⁰ When they knew that the banks could only receive six per cent, where money was worth a great deal more, and when they considered that they were liable to heavy losses at all times, and that they were obliged to keep a certain amount of specie in their vaults, then they knew how it was that money was scarce, and that there was a strong desire [sic] that the restrictions on money should be removed.¹⁶¹ He thought for the good of the country, for the sake of making trade lively, for the sake of encouraging banks to keep their funds in this country, they ought to grant what was asked by this clause.¹⁶²

MR. HOLTON said, he had introduced the words suggested by the hon. member for Toronto, (Mr. Cameron.)¹⁶³

Mr. Holton's motion was then put¹⁶⁴.

(477)

Mr. Holton moved, seconded by Mr. Antoine Aimé Dorion, and the Question being put, That the Bill be further amended by adding the following Clause: "The Bank may allow and pay interest, not exceeding the legal rate in this Province, upon moneys deposited in the Bank; and in discounting promissory notes, bills, or other negotiable securities or paper, may receive or retain the discount thereon at the time of discounting or negotiating the same; and when notes,

bills, or other negotiable securities or paper are payable within the Province, at a place different from that at which they are discounted, the Bank may also, in addition to the discount, make a charge not exceeding one half per centum as the amount of every such note, bill, or other negotiable security or paper, to defray the *bona fide* expenses of agency and exchange attending the collection of every such note, bill or other negotiable security or paper; and the Bank may charge any note or bill held by and payable at the Bank, or made payable at the Bank, against the deposit account of the maker of such note or acceptor of such bill at the maturity thereof, any law, statute, or usage to the contrary notwithstanding;" the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Biggar, Bowes, Brodeur, Cameron, Cartier, Cayley, Chisholm, Cook, Daly, Jean B. Daoust, Desaulniers, Dionne, Antoine A. Dorion, Attorney General Drummond, Dufresne, Ferres, Ferrie, Foley, Fournier, Frazer, Gamble, Gill, Guévremont, Holton, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lyon, Macbeth, Attorney General Macdonald, Roderick McDonald, Masson, Mattice, O'Farrell, Papin, Patrick, Polette, Pouliot, Price, Robinson, Solicitor General Ross, Somerville, Spence, Stevenson, Taché, Thibaudeau, Turcotte, Whitney, Wilson, and Yeilding.* — (53.)

NAYS.

Messieurs *Aikins, Alleyn, Bell, Bureau, Burton, Chapais, Christie, Clarke, Conger, Dostaler, Hartman, Huot, John S. Macdonald, Mackenzie, McCann, Marchildon, Munro, Powell, Sanborn, Shaw, Solicitor General Smith, Sidney Smith, and Valois.* — (23.)

So it was resolved in the Affirmative.

MR. HOLTON then moved the insertion of the 24th clause which had also been struck out in committee of the whole. The bill was altered in committee as to make all notes and bills to bear date at the place where they were issued. The clause sought to be inserted was to provide that all notes or bills shall be payable on demand in specie, at the place where they bear date, thus making Montreal notes only payable in specie at Montreal.¹⁶⁵ He wished all the Bank charters in this matter to be uniform. The principle could be discussed on the general Bill of the member for Laprairie to compel Banks to redeem their bills at par.¹⁶⁶

MR. SOL. GEN. H. SMITH said there was no use in going into committee of the whole at all upon any measure, if, after amendments have been made, hon. gentlemen come back to the House and try to force upon them the original measures. He thought the course pursued by the hon. gentlemen [sic] was calculated to jeopardize his Bill passing at the third reading, because in a thin House of 70 members they could not get the sense of the House so well, and if at the third reading the House was full the Bill would be thrown out.¹⁶⁷ The effect of this motion would be to empower the Bank of Montreal to issue all their notes at Montreal, render them payable at Montreal, and would not be compelled to take them in payment anywhere but at Montreal.¹⁶⁸

MR. HOLTON said there had been no fair decision in the committee of the whole, as the last vote had shown, [and] the object of altering the clause now was to put all the banks' charters on the same footing.... [As for] the abuses spoken of by Mr. Smith¹⁶⁹, [he] did not believe that there was any reason to anticipate this danger; but in order to avoid it he would be willing to assist the Solicitor General West in forming a clause to prevent any danger of that nature.¹⁷⁰

MR. J.S. MACDONALD concluded that the banks ought to be satisfied with the privileges which they have. He was sure this Bill was passed in favour of these Institutions and not for the good of the country. A bank president had waited upon himself and asked his support to that clause, but he would not give it. It appeared to him that they would stultify themselves completely by inserting that clause after striking it out in committee, and they would give these banks a privilege they ought not to have. It was not right¹⁷¹ [to enable] Banks to flood the country with bills, which they would only redeem at the

place where they bore date. Were they to say that farmers would not get specie for their bills, unless they went 500 miles to get it?¹⁷² An hon. gentleman had said these banks were got up for the benefit of the country; he [Mr. Macdonald] would travel 500 miles to see a man who had put his money into a banking establishment for the good of the country. The hon. gentleman [Mr. Holton] said he would discuss this principle when the bill of the hon. member for Laprairie came up, but when would that be?¹⁷³ It was so far down on the list, that there was little chance of its coming up for discussion this session.¹⁷⁴ Would the hon. gentleman postpone the third reading till then?¹⁷⁵

MR. HOLTON. — No. He wished it to pass to-night.¹⁷⁶

DR. CHURCH said the decision of a very full House ought not to be reversed in a very thin one.¹⁷⁷

DR. CLARKE said that the member for Montreal had occupied too much time already in pushing matters which had been disposed of already by a Committee of the Whole, after full discussion. He moved that the house do now adjourn.¹⁷⁸

MR. HOLTON rose amidst cries of adjourn. He said it was unusual for a member who had charge of any measure, to be denied the liberty of making an explanation. He had been asked to postpone the third reading till the general bill of the hon. member for Lapra[i]rie came up, but as that was a general measure, his bill would be regulated by it as well as all others, and therefore it might be read a third time now.¹⁷⁹

MR. J.S. MACDONALD objected to such a course.¹⁸⁰

DR. CLARKE again moved an adjournment.¹⁸¹

MR. AT. GEN. DRUMMOND trusted that the House would not adjourn until they got this measure completed, they had spent the whole night upon it and if adjourned now they would have to resume the debate. (Adjourn, adjourn.) He trusted they would not adjourn till the amendment was disposed of. (Adjourn, adjourn.)¹⁸²

MR. HOLTON urged the House to pass through his bill, and not occupy more time in its discussion on other nights.¹⁸³

MR. SOL. GEN. H. SMITH supported the adjournment. He did not think the member for Montreal deserved any sympathy, having occupied a whole night with what had been previously decided.¹⁸⁴ He got his bill through committee, and if he had taken it as it was amended it might have passed hours ago.¹⁸⁵

MR. CAMERON suggested that the member for Montreal should withdraw his amendment, and leave the clause as put by the committee, allowing the discussion to come up on the member for Laprairie's Bill.¹⁸⁶

MR. HOLTON accepted the suggestion, and said he was willing to withdraw the motion if the House would allow the Bill to be advanced a stage to-night.¹⁸⁷

MR. SOL. GEN. H. SMITH trusted the House would not be led away by this, because the clauses of the two bills were not identical.¹⁸⁸

MR. LORANGER said the principle[s] of the two clauses were entirely different.¹⁸⁹

DR. CLARKE refused to withdraw his motion.¹⁹⁰

The vote was taken on the motion to adjourn¹⁹¹.

(477) Mr. *Clarke* moved, seconded by Mr. *Price*, and the Question being put, That this House do now adjourn; the House divided: and the names being called for they were taken down, as follow: —

(478) YEAS.
Messieurs *Aikins, Burton, Chapais, Christie, Clarke, Conger, Dionne, Ferres, Fournier, Frazer, Hartman, Huot, Laberge, John S. Macdonald, Mackenzie, McCann, Masson, Munro, Pouliot, Price, Shaw, Solicitor General Smith, Sidney Smith, Somerville, and Thibaudeau*. — (25.)

NAYS.
Messieurs *Alley, Bowes, Brodeur, Bureau, Cameron, Cartier, Cayley, Chisholm, Crysler, Daly, Desaulniers, Dostaler, Attorney General Drummond, Dufresne, Ferrie, Foley, Gamble, Guévremont, Holton, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Macbeth, Attorney General Macdonald, Roderick McDonald, Mattice, O'Farrell, Papin, Patrick, Polette, Robinson, Southwick, Spence, Stevenson, Valois, Wilson, and Yeilding*. — (40.)
So it passed in the Negative.

MR. HOLTON asked liberty to withdraw the clause.¹⁹²

DR. CLARKE objected, it was time the House should adjourn.¹⁹³

DR. MASSON moved the adjournment of the debate for one week.¹⁹⁴

After some further remarks — ¹⁹⁵

MR. SOL. GEN. H. SMITH moved that the House do now adjourn.¹⁹⁶

MR. HOLTON said he had agreed to fix the third reading for this day week, but he was met by a shout to adjourn¹⁹⁷. [He] then withdrew his amendment, and moved that the Bill be read a third time on Thursday next¹⁹⁸.

[The motion] was agreed to.¹⁹⁹

(478) *Ordered*, That the Bill be read the third time on Thursday next.

The Honorable Mr. *Cartier*, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, — Return to an Address to His Excellency the Governor General from the Legislative Assembly, of the 5th instant, for copies of Correspondence between the Imperial and Provincial Governments, relating to the Jesuits' Estates, since 1850.

There has been no Correspondence between the Imperial and Provincial Governments, on the subject of the Jesuits' Estates, since the year 1850.

By Command.

George Et. Cartier,
Secretary.

Secretary's Office,
Toronto, 8th May, 1856.

The Honorable Mr. *Cartier* also laid before the House, by command of His Excellency the Governor General, — Tables of the Trade and Navigation of the Province of *Canada*, for the year 1855.

For the said Tables, see Appendix (No. 29.)

MR. S. SMITH moved that the house do now adjourn.²⁰⁰

MR. CAMERON hoped the house would take up the Bill for amending the Commercial Bank so as to advance it to the same point [as the Bill for the Bank of Montreal,] as it had been agreed that the discussion of the whole of these Bills should be taken on that of the Montreal Bank.²⁰¹

MR. MACKENZIE objected to the item being taken out of its order.²⁰²

The house then adjourned²⁰³.

(478) | Then, on motion of Mr. *Sidney Smith*, seconded by Mr. *Conger*,
The House adjourned.²⁰⁴

Footnotes

1. *Toronto Daily Leader*, 9 May 1856.
2. *Telegraph (Montreal Gazette)*, 9 May 1856.
3. *Toronto Daily Leader*, 9 May 1856.
4. *Ibid.*
5. *Ibid.*
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. *Ibid.*
12. *Globe*, 9 May 1856.
13. *Ibid.*
14. *Ibid.*
15. *Ibid.*
16. *Ibid.*
17. *Ibid.*
18. *Ibid.*
19. *Ibid.*
20. *Ibid.*
21. *Ibid.*
22. *Ibid.*
23. *Ibid.*
24. *Ibid.*
25. *Ibid.*
26. *Ibid.*
27. *Ibid.*
28. *Ibid.*
29. *Ibid.*
30. *Ibid.*
31. *Ibid.*
32. *Ibid.*
33. *Ibid.*
34. *Ibid.*
35. *Ibid.*
36. *Ibid.*
37. *Ibid.*
38. *Ibid.*
39. *Ibid.*

40. *Toronto Daily Leader*, 9 May 1856.
41. *Ibid.*
42. *Globe*, 9 May 1856.
43. *Toronto Daily Leader*, 9 May 1856.
44. *Ibid.*
45. *Globe*, 9 May 1856.
46. *Ibid.*
47. *Toronto Daily Leader*, 9 May 1856.
48. *Ibid.*
49. *Globe*, 9 May 1856.
50. *Toronto Daily Leader*, 9 May 1856.
51. *Globe*, 9 May 1856. *Toronto Daily Leader*, 9 May 1856, reports that at this point of the debate, "a message was received from the Legislative Council", after which the debate was resumed. The *Journals*' reference to this message is found on page (475) 1904.
52. *Toronto Daily Leader*, 9 May 1856.
53. *Ibid.*
54. *Globe*, 9 May 1856.
55. *Toronto Daily Leader*, 9 May 1856.
56. *Ibid.*
57. *Globe*, 9 May 1856.
58. *Toronto Daily Leader*, 9 May 1856.
59. *Ibid.*
60. *Globe*, 9 May 1856.
61. *Toronto Daily Leader*, 9 May 1856.
62. *Ibid.*
63. *Globe*, 9 May 1856.
64. *Toronto Daily Leader*, 9 May 1856.
65. *Globe*, 9 May 1856.
66. *Toronto Daily Leader*, 9 May 1856.
67. *Globe*, 9 May 1856.
68. *Toronto Daily Leader*, 9 May 1856.
69. *Ibid.*
70. *Ibid.*
71. *Globe*, 9 May 1856.
72. *Mackenzie's Weekly Message*, 16 May 1856.
73. *Toronto Daily Leader*, 9 May 1856.
74. *Globe*, 9 May 1856.
75. *Toronto Daily Leader*, 9 May 1856.
76. *Ibid.*
77. *Ibid.*
78. *Mackenzie's Weekly Message*, 16 May 1856.
79. *Toronto Daily Leader*, 9 May 1856.
80. *Mackenzie's Weekly Message*, 16 May 1856.
81. *Toronto Daily Leader*, 9 May 1856.
82. *Mackenzie's Weekly Message*, 16 May 1856.
83. *Toronto Daily Leader*, 9 May 1856.
84. *Ibid.*
85. *Ibid.*
86. *Globe*, 9 May 1856. *Mackenzie's Weekly Message*, 16 May 1856, reports a commentary on this Report of the Standing Committee on Contingencies.
87. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
88. *Globe*, 9 May 1856.
89. *Toronto Daily Leader*, 9 May 1856.
90. *Globe*, 9 May 1856.
91. *Toronto Daily Leader*, 9 May 1856.
92. *Ibid.*
93. *Ibid.*

94. *Toronto Daily Leader*, 9 May 1856.
95. *Globe*, 9 May 1856.
96. *Toronto Daily Leader*, 9 May 1856.
97. *Globe*, 9 May 1856.
98. *Toronto Daily Leader*, 9 May 1856.
99. *Ibid.*
100. *Globe*, 9 May 1856.
101. *Toronto Daily Leader*, 9 May 1856.
102. *Montreal Gazette*, 10 May 1856.
103. *Globe*, 9 May 1856.
104. *Montreal Gazette*, 10 May 1856.
105. *Toronto Daily Leader*, 9 May 1856.
106. *Montreal Gazette*, 10 May 1856.
107. *Ibid.*
108. *Globe*, 9 May 1856.
109. *Montreal Gazette*, 10 May 1856.
110. *Toronto Daily Leader*, 9 May 1856.
111. *Montreal Gazette*, 10 May 1856.
112. *Toronto Daily Leader*, 9 May 1856.
113. *Montreal Gazette*, 10 May 1856.
114. *Globe*, 9 May 1856.
115. *Montreal Gazette*, 10 May 1856.
116. *Globe*, 9 May 1856.
117. *Toronto Daily Leader*, 9 May 1856.
118. *Globe*, 9 May 1856.
119. *Montreal Gazette*, 10 May 1856.
120. *Globe*, 9 May 1856.
121. *Montreal Gazette*, 10 May 1856.
122. *Toronto Daily Leader*, 9 May 1856.
123. *Globe*, 9 May 1856.
124. *Toronto Daily Leader*, 9 May 1856.
125. *Globe*, 9 May 1856.
126. *Montreal Gazette*, 10 May 1856. This newspaper attributes this speech to Mr. Brown, whereas all other sources indicate that it was Mr. Bowes who spoke.
127. *Globe*, 9 May 1856.
128. *Toronto Daily Leader*, 9 May 1856.
129. *Globe*, 9 May 1856.
130. *Ibid.*
131. *Montreal Gazette*, 10 May 1856.
132. *Globe*, 9 May 1856.
133. *Toronto Daily Leader*, 9 May 1856.
134. *Globe*, 9 May 1856.
135. *Montreal Gazette*, 10 May 1856.
136. *Globe*, 9 May 1856.
137. *Montreal Gazette*, 10 May 1856.
138. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
139. *Globe*, 9 May 1856.
140. *Toronto Daily Leader*, 9 May 1856.
141. *Globe*, 9 May 1856.
142. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
143. *Globe*, 9 May 1856.
144. *Toronto Daily Leader*, 9 May 1856.
145. *Montreal Gazette*, 10 May 1856.
146. *Toronto Daily Leader*, 9 May 1856.
147. *Ibid.*
148. *Montreal Gazette*, 10 May 1856.
149. *Toronto Daily Leader*, 9 May 1856.

150. *Globe*, 9 May 1856.
151. *Toronto Daily Leader*, 9 May 1856.
152. *Ibid.*
153. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
154. *Globe*, 9 May 1856.
155. *Ibid.*
156. *Toronto Daily Leader*, 9 May 1856.
157. *Montreal Gazette*, 10 May 1856.
158. *Globe*, 9 May 1856.
159. *Toronto Daily Leader*, 9 May 1856.
160. *Montreal Gazette*, 10 May 1856.
161. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
162. *Toronto Daily Leader*, 9 May 1856.
163. *Globe*, 9 May 1856.
164. *Ibid.*
165. *Toronto Daily Leader*, 9 May 1856.
166. *Globe*, 9 May 1856.
167. *Toronto Daily Leader*, 9 May 1856.
168. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
169. *Montreal Gazette*, 10 May 1856.
170. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
171. *Toronto Daily Leader*, 9 May 1856.
172. *Globe*, 9 May 1856.
173. *Toronto Daily Leader*, 9 May 1856.
174. *Globe*, 9 May 1856.
175. *Toronto Daily Leader*, 9 May 1856.
176. *Ibid.*
177. *Montreal Gazette*, 10 May 1856.
178. *Globe*, 9 May 1856.
179. *Toronto Daily Leader*, 9 May 1856.
180. *Ibid.*
181. *Ibid.*
182. *Ibid.*
183. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
184. *Globe*, 9 May 1856.
185. *Toronto Daily Leader*, 9 May 1856.
186. *Globe*, 9 May 1856.
187. *Ibid.*
188. *Toronto Daily Leader*, 9 May 1856.
189. *Ibid.*
190. *Hamilton Spectator Semi-Weekly*, 10 May 1856.
191. *Ibid.*
192. *Toronto Daily Leader*, 9 May 1856.
193. *Ibid.*
194. *Ibid.*
195. *Ibid.*
196. *Ibid.*
197. *Ibid.*
198. *Globe*, 9 May 1856.
199. *Globe*, 9 May 1856. Short commentaries on the Montreal Bank Bill are reported in *Mackenzie's Weekly Message*, 16 May 1856, and *Western Planet*, 19 May 1856.
200. *Globe*, 9 May 1856.
201. *Ibid.*
202. *Ibid.*
203. *Ibid.*
204. *Globe*, 9 May 1856, and *Toronto Daily Leader*, 9 May 1856, both report that the House adjourned "at 12 o'clock".

FRIDAY, 9 MAY 1856

(478)

THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Cook*, — The Petition of the Municipality of *North Norwich*.

By Mr. *Foley*, — The Petition of the Honorable *Samuel Mills* and others, of the City of *Hamilton*.

(479)

By Mr. *Brown*, — The Petition of the Reverend *Robert Wallace* and others, of the Town of *Port Burwell*; the Petition of *J.H. Price* and others, of the Township of *York*; the Petition of *Oliver Hamilton* and others, of *Port Burwell*, County of *Elgin*; the Petition of *James H. Lawrence* and others, of the Town of *Collingwood*, County of *Simcoe*; and the Petition of *W. Bennett* and others, of the Town of *Port Burwell*.

By the Honorable *John Sandfield Macdonald*, — The Petition of the Municipality of the Township of *Lancaster*.

By Mr. *Huot*, — The Petition of *John McLaren*, Mayor, and others, of *Malbaie* and other Parishes, County of *Charlevoix*.

By Mr. *Bureau*, — The Petition of *A. Dugas* and others, of *St. Remi*.

Pursuant to the Order of the day, the following Petitions were read: —

Of *Octave Dostaler* and others, of *St. Gabriel de Brandon*; of *E.M. Piché* and others, of the County of *Berthier*; and of *François Vézina* and others, of the Parish of *St. François de Sales*; praying that no further guarantee may be given to the Grand Trunk Railway Company.

Of the Reverend *G.S. Derome* and others, of the Parish of *Les Grondines*; of *F. Dussault*, Mayor, and others, of the Parish of *St. Jean Baptiste des Ecureuils*; of the Reverend *F. Morin* and others, of the Parish of *Cap Santé*; and of the Reverend *P.J. Bedard* and others, of the Parish of *St. Raymond*; praying that no further guarantee may be given to the Grand Trunk Railway Company, and that the claim of the North Shore Railroad Company should as a right be favorably considered by the Government.

Of *John Cowie* and others, of the Township of *Onondaga*; of *William H. Doel* and others, of the Town of *Whitby*; and of *George Bolton* and others, of the Township of *Howick*; praying that Representation may be based upon Population.

Of *Henry Burnham* and others, of the Township of *Melbourne*; praying that one of the contemplated Normal Schools may be located in some part of the Eastern Townships.

Of the Municipality of the Township of *Bayham*; representing that *American* vessels owned by *British* subjects can coast in this country, while *British* vessels owned by *American* citizens have not like advantages in the *American* ports, and praying that measures may be adopted as will mutually effect the registration and sailing of vessels of both countries.

Of *Simton Larochelle* and others, of the Parish of *St. Anselme*; praying aid for the construction of a College in the said Parish.

On motion of Mr. Solicitor General *Smith*, seconded by Mr. *Chisholm*,

Ordered, That the Petition of the *Hamilton* and *Port Dover* Railway Company be now received and read, and the Rules of this House suspended as regards the same [sic].

And the said Petition was received and read; praying that the Bill to incorporate the *Norfolk, Brant, and Wentworth* Railway Company may not become Law.

Ordered, That the said Petition be printed, and the Rule of this House requiring the reference of the same to the Standing Committee on Printing suspended.

On motion of Mr. *Foley*, seconded by Mr. *Aikins*,

Ordered, That the Petition of the Honorable *Samuel Mills* and others, of the City of *Hamilton*, be now received and read, and the Rules of this House suspended as regards the same.

(480)

And the said Petition was received and read; praying that the Bill to incorporate the *Norfolk, Brant, and Wentworth Railway Company* may become Law.

Ordered, That the said Petition be printed, and the Rule of this House requiring the reference of the same to the Standing Committee on Printing suspended.

Ordered, That Mr. *Sidney Smith* have leave to bring in a Bill to authorize the Courts of Queen's Bench and Common Pleas, and the Court of Chancery, in *Upper Canada*, to admit *William Lynn Smart* to practise as an Attorney and Solicitor.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Mr. *Sidney Smith*, from the Standing Committee on Standing Orders, presented to the House the Seventeenth Report of the said Committee; which was read, as followeth: —

Your Committee have considered the Instructions of Your Honorable House as to the expediency of suspending the 62nd Rule on the Petitions of *Charles Allan* and others, of the Village of *Elora*, for incorporation of that Village; and of *Francis Jones*, of the Village of *Kemptville*, for incorporation of the same; and they beg leave to recommend the suspension of the Rule in each case.

Ordered, That the 62nd Rule of this House be suspended as regards a Bill to incorporate the Village of *Elora*, in the County of *Wellington*.

Ordered, That Mr. *Clarke* have leave to bring in a Bill to incorporate the Village of *Elora*, in the County of *Wellington*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Mr. *Antoine Aimé Dorion*, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Fifteenth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the Bill to render the Mayor of *Quebec* elective by the Electors of *Quebec*, and have agreed to report the same, without any amendment.

They have also considered the following Bills, and have agreed to certain amendments, which they submit for the consideration of Your Honorable House, viz.: —

Bill to confirm the partition made by the Trustees of the Will and Codicils of the late *Anne Powell*, of the real estate of the late Honorable *William Dummer Powell*, Chief Justice of *Upper Canada*, and for the appointment of new Trustees of the respective shares thereunder of *John Powell* and *Eleanor* his wife, and their children, and of *Mary Sophia Coxwell* and her children, with additional power to substitute Trustees, and to partition, and for other purposes:

Bill to incorporate the *Brant County Bank*:

Bill to incorporate the *Canadian Insurance Company*.

With respect to the last mentioned Bill, Your Committee would beg leave to remark, that a Petition is before Your Honorable House from the *Canada Life Assurance Company*, praying that the name of the Company proposed to be incorporated by this Bill (which in the body of the Bill is designated as the "*Canadian Life and Fire Assurance Company*,") may be changed to some other name less liable to be confounded with that of a Company already in existence; they have, therefore, in their amendments to the Bill, suggested that the name of the Company be the "*North American Life and Fire Insurance Company*."

(481)

The Bill to establish a Recorder's Court in the City of *Quebec*, has been referred to Your Committee; but they find that it is not founded upon a Petition, and, moreover, they do not consider it to be a Private Bill; they would, therefore, respectfully ask to be discharged from the consideration of the Bill.

Your Committee, in conclusion, would beg leave to recommend to Your Honorable House, in consideration of the late period of the Session, that the 71st Rule, which requires them to give a week's notice of the day on which Private Bills will be considered, be amended, for the remainder of the present Session, by substituting "two days" for "a week."

Mr. *Clarke* moved, seconded by Mr. *McCann*, and the Question being put, That the Bill to confirm the partition made by the Trustees of the Will and Codicils of the late *Anne Powell*, of

the real estate of the late Honorable *William Dummer Powell*, Chief Justice of *Upper Canada*, and for the appointment of new Trustees of the respective shares thereunder of *John Powell* and *Eleanor* his wife, and their children, and of *Mary Sophia Coxwell* and her children, with additional power to substitute new Trustees, and to partition, and for other purposes, be committed to a Committee of the whole House; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Alleyn, Bell, Biggar, Bowes, Brodeur, Cameron, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Conger, Cook, Crysler, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Ferres, Ferrie, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Gamble, Gill, Gould, Guévremont, Holton, Labelle, Laporte, Lemieux, Lumsden, McCann, Masson, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, Munro, Murney, Poulin, Pouliot, Prévost, Price, Rankin, Rhodes, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Taché, Turcotte, Whitney, and Yeilding.* — (63.)

NAYS.

Messieurs *Aikins, Brown, Christie, Darche, Antoine A. Dorion, Hartman, Jobin, John S. Macdonald, Roderick McDonald, Mackenzie, Papin, Rolph, Sanborn, Scatcherd, Valois, Wilson, and Wright.* — (17.)

So it was resolved in the Affirmative.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Rankin* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time on Monday next.

Ordered, That Mr. *Stevenson*, Mr. *Lumsden*, Mr. *Christie*, Mr. *Fergusson*, and Mr. *Hartman*, be added to the Select Committee to which was referred the Bill to amend the Act 16 Vic. cap. 13, intituled, "An Act to provide for the better organization of Agricultural Societies in *Lower Canada*, and for other purposes connected with Agriculture in *Upper* and *Lower Canada*."

(482)

Ordered, That the Bill to establish a Recorder's Court in the City of *Quebec*, be committed to a Committee of the whole House, for Monday next.

Ordered, That the Bill to consolidate and amend the Acts constituting the Charter of the Bank of *Upper Canada*, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Ordered, That the Bill to render the Mayor of *Quebec* elective by the Electors of *Quebec*, be read the third time on Monday next.

Ordered, That the Bill to enable the Municipality of the Town of *Chatham* to dispose of a certain piece of land granted to the said Municipality for the purposes of a Burial Ground, and to appropriate the proceeds to the purchase of a more eligible site for a similar purpose, be read the third time on Monday next.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to amend the Act to provide for the formation of Incorporated Joint Stock Companies for manufacturing, mining, mechanical, or chemical purposes," with several Amendments, to which they desire the concurrence of this House: And also,

The Legislative Council have passed the Bill, intituled, "An Act to amend the Act of Incorporation of the *L'Assomption* River and Railway Company," with several Amendments, to which they desire the concurrence of this House.

And then he withdrew.¹

The Honorable Mr. *Cartier*, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General, — Supplementary Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 7th March last, as respects the 9th, 10th, and 11th paragraphs of the said Address, praying for the following information, viz: — 9th. The number of Professors or Teachers employed in the University College, with their salaries and perquisites respectively, and the number of scholars taught by each Professor during the past year, and the average number taught by each Professor during such period; also, the total and average number in attendance at said College during such time. 10th. The residence of Parents or Guardians of such scholars, whether within or without the City of *Toronto*, to be given in number. 11th. The same information respecting the *Upper Canada* College and Royal Grammar School.

For the said Return, see Appendix (No. 11.)

Return to an Address of the Legislative Assembly, dated the 31st March, 1856, for a List of all the Members of the Legislative Assembly who have been employed by the Government since the last General Election, as Agents, Commissioners, Advocates, Attorneys, Counsels, Surveyors, Contractors, or otherwise, receiving for such service any salary, fee, or other remuneration whatsoever; and also, a Statement shewing what sums have been paid to each for the said services.

For the said Return, see Appendix (No. 54.)

(483)

Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated the 14th ultimo, praying His Excellency to cause to be laid before the House, a Return of all the Timber Berths assigned to various individuals on the waters flowing into Lakes *Huron* and *Superior*, the names of the localities, the localities assigned, and the extent of each locality, the dates of the assignments, the condition upon which each locality is held, the sum of money paid upon each locality by each assignee, and of any and what Timber Berths are worked, and the Returns made to the Crown Lands Department thereon.

For the said Return, see Appendix (No. 55.)

MR. AT. GEN. J.A. MACDONALD (Kingston) moved that the House do now form itself into a committee of the whole, to consider the following Resolutions relative to County Courts in Upper Canada.

1. That it is expedient that every Judge of a County Court in Upper Canada should be paid a certain salary, and that the same should not exceed six hundred and fifty pounds, nor be less than two hundred and fifty pounds, and that the Governor in Council should fix the remuneration to be paid to the Judges respectively, having due regard as well to the population of the several Counties or Unions of Counties as the amount of fees received by the County Treasurer under the several statutes establishing Fee Funds — and that the salaries should be increased, or in case of vacancy diminished, by the Governor in Council.²

2. That it is expedient to repeal so much of the schedule of fees annexed to the statute 8 Victoria, chapter 13, as relates to "Fees to be received by the clerk and to belong to and be paid over to the Fee Fund," and also to repeal schedule A annexed to statute 9 Victoria, chapter 7, and to substitute therefor the following schedule: —

Every writ of summons or *Capias ad Respondendum*, one shilling and six pence.

Every verdict, six shillings and three pence.

Executing each writ of trial and enquiry and making return thereto, six shillings and three pence.

Every report made by the Judge of the proceedings on executing a writ of trial or enquiry, five shillings.

Every certificate of proceedings made by the Judge to be transmitted to the Court of Queen's Bench, two shillings and six pence.

Every rule requiring a motion in open Court, one shilling and six pence.

Every rule or order of reference, one shilling and six pence.

Every other rule or Judge's order, one shilling and three pence.

Every recognizance of bail taken by Judge, one shilling and six pence.

Every affidavit administered by Judge, one shilling.

Every computation of principal and interest on a Bill, note, bond or covenant for payment of money, three shillings.

Every writ of subpœna, one shilling.

Every judgment entered, six shillings and three pence.

Every oath administered in open Court, one shilling.

3. That it is expedient to permit the Sheriff of each county or union of counties to receive *in addition* to the fees now allowed him for milage and poundage the following sums — that is to say:

For milage — two pence per mile on all writs executed.

For poundage — upon all moneys actually made under *fi fa* or *ca sa*, one shilling in the pound.

4. That it is expedient to allow to the Clerk of the County Court for the united counties of York and Peel, over and above all the fees now received by him, an allowance to be fixed by the Governor in Council, not exceeding one hundred pounds per annum, out of any surplus that may remain of the Fee Fund of such united counties, after defraying all charges now imposed thereon.

5. That it is its expedient to repeal so much of the 9th section of the statute 16 Victoria chapter 120, as fixes the amount of fees payable to Sheriffs and Clerks of the Peace, and that the Clerk of the Peace of every county or union of counties and the Clerks of the Recorder's Courts in every city in which a Recorder's Court shall have been established, shall be entitled to the following sums of money for the respective services performed by them under this act, that is to say:

For receiving and enumerating the reports for each city, town, village and township, causing any deficiency therein which may be found to be supplied, and filing the same in his office, three shillings and nine pence.

For giving certificates to selectors of jurors, of report having been made, two shillings and sixpence.

For preparing in proper form the Jurors' book and superintending the making up of the same (besides actual disbursements for stationer's charges,) each thirty shillings.

For arranging alphabetically and in order the names contained in Selector's report, per one hundred names, fifteen shillings.

For making up Jurors' books, entering all the names and numbers, and all other matters required to be entered therein, per one hundred names, fifteen shillings.

For each copy of the Jurors' book required by the act, per one hundred names, fifteen shillings.

For preparing on cards the ballots for Jurors', to correspond with numbers in Jurors' book, per one hundred names, two shillings and sixpence.³

For each certificate required to be entered on Jurors' book to verify same, five shillings.

For balloting and entering each jury list, per one hundred names, thirty shillings.

For copy of jury list required to be entered, per one hundred names, fifteen shillings.

For each panel of jurors drafted from the jury list, per one hundred names on such jury list, twenty shillings.

For entering each panel in jurors' book with the numbers corresponding to the jury list, ten shillings.

For making up aggregate return in default of jurors, thirty shillings.

For copy thereof and transmitting same to Provincial Secretary when required and office copy of the same, each twenty shillings.

That the Sheriff, High Bailiff or other officer of any such county, union of counties or city shall, exclusive of such fees as he may be entitled to from the parties in any suit, be entitled to the following sums of money for the respective services performed by them under the Jurors' Act, that is to say:

For each panel of jurors, whether Grand or Petit, returned and summoned by him in obedience to any general precept for the returns of grand or petit jurors for any sittings or seizures of Assize and Nisi Prius, Oyer and Terminer, Gaol Delivery, Sessions of the Peace or County or Recorder's Court respectively under this Act, twenty-five shillings.

For copies of such panel to be returned in the offices of the Superior Courts of Common Law at Toronto, each five shillings.

For every summons served upon the jurors on such, the sum of two shillings and sixpence.

And to every certificate given to any of such jurors of his having served, to evidence his exemption from serving again until his time for doing so shall return in its course, the sum of one shilling and three pence.

And in case of the Sheriffs of counties, the further sum of sixpence for every mile that he or his deputy or Bailiff may necessarily and actually have had to travel from the County Town for the purpose of serving such summaries.

Which several sums shall be paid by the Treasurer of such county or union of counties or city respectively, not otherwise specially appropriated by Act of Parliament, upon proof by affidavit made before some Commissioners for taking affidavits of some one of Her Majesty's Superior Courts of Common Law at Toronto, for such county or union of counties of such several services having been executed, and of such travel having been so necessarily performed in the service of such summonses; for all which moneys so to be paid as aforesaid, every such Treasurer and Chamberlain shall be allowed in his accounts with such county, union of counties or city as if the same had been paid under special authority or direction of the Municipal Corporation of such county, union of counties or city respectively: Provided always nevertheless, that in all such cases when there shall be more than a hundred or an even⁴ number of hundreds⁵ of such names, if the broken number beyond such hundred or hundreds shall fall short of fifty names, the same shall not be reckoned, and if such broken number shall amount to fifty names or upwards, the same shall be reckoned as a full hundred, but in all cases of there being altogether less than a single hundred, the same shall be reckoned as a full hundred.

The hon. gentleman, in moving these resolutions, entered into a brief *résumé* of their nature and objects.⁶

(483)

The Honorable Mr. Attorney General *Macdonald* moved, seconded by Mr. Solicitor General *Smith*, and the Question being proposed, That this House will immediately resolve itself into a Committee of the whole House to consider certain Resolutions relating to County Courts in *Upper Canada*;

MR. CAMERON regretted that the Attorney General had placed the salaries of the county judges on the footing he did, leaving their amount in each case to be decided by the Government, instead of the salary of the judge in each county being definitely fixed⁷, as it was calculated to throw too much patronage into the hands of the executive.⁸ He did not think the *maximum* salary of £650 would be too high for some counties, but he considered the *minimum* of £250 too low.⁹ He would say, that no County Judge ought to receive less than £350 or £400 a year — that ought to be the minimum salary; and it was the very lowest for which they could expect any competent man to discharge the arduous duties of that office. By the fourth resolution, he was glad to perceive that the Attorney General proposed to give some compensation to a very deserving officer — the Clerk of the County Court of York and Peel. With reference to the salaries of the County Judges, he would feel inclined to endeavor to apportion the amount of their salaries according to population.¹⁰ To the other resolutions he had no objection.¹¹

MR. GAMBLE said that the County Judges were, it was well known, a most useful class of public officers, whose services had been hitherto, very insufficiently remunerated. It was well known that their labors were of the most arduous nature¹². Whenever any new duty was created, it was generally thrown on the county judges. They were in fact made the beasts of burthen of the community.¹³ While fully admitting the inadequacy of their salaries, he could not however, at the same time, say that the mode by which this was proposed to be accomplished by the resolutions now before the House, fully accorded with his feelings in the matter.¹⁴ He approved of the view taken by his hon. friend for Toronto¹⁵ [and]

would much rather in giving the salaries do so on a scale, according to population; that is, that where a population was within certain defined limits, a certain sum should be fixed for the Judge's salary. With reference to the Clerk of the Peace, he thought that officer ought to be paid by the County Council. They had been continually making mistakes regarding this office; first running to the extreme of attaching an enormous salary to that office, and then running into the other extreme by reducing the salary to a ridiculously small amount. He was of opinion that the course he had advocated in this case years ago, was by far the best, and that was to allow the municipalities to determine the payment of their own officers, of whom the Clerk of the Peace was one.¹⁶

MR. SCATCHERD considered that Clerks of the Peace were a class who did not get what they deserved for their services. Instead of being paid by fees, he would like to see them paid by salaries. But, before increasing their salaries, he wished to know how much they now received, and he had some time ago moved for returns on this point, which were not yet brought down.¹⁷

MR. WILSON said the only objection he had to these resolutions, was that they left to the Executive the appointment of the salaries of the County Court Judges. Now, he would say that such a system was radically wrong. The Executive ought not to be allowed such a power.¹⁸ The salaries of county judges should be regulated by some definite fixed principle. He did not think, however, that either population or fees would be a fair principle to go upon.¹⁹ In the new counties, for instance, the population would, of course be scanty, but, then, it would bear no proportion at all to the amount of labor which the Judges of such counties, would have to undergo. Not only would the loss of time ... incurred by the Judge, be very great on account of the unfinished, and in many instances almost impassable state of the roads through a new country [sic], but there were in addition a host of expenses and annoyances, which were inseparable from going on such a circuit. In these counties the Judges would in fact, require a larger salary, than those who went on circuit in the older counties.²⁰ The best course was, for this house to fix the salary for each county. The salaries in many cases were too small. He knew that the late judge of the county of Huron had to spend two-thirds of his salary in travelling expenses. He considered it of importance, by putting those officers on a favourable footing, to secure men of a high class to undertake the duties. Otherwise dissatisfaction would grow up, and it would be insisted upon that township councils should be empowered to decide judicially in small causes.²¹ He quite agreed with the hon. gentleman who had spoke on this question, that the minimum of the salaries ought to be £400 a year.²²

A Message from the Legislative Council was here announced²³.

MR. WILSON resumed by expressing it as his opinion that it would be a false economy to make the minimum salary of the County Judges so low as £250 a year. He felt certain that the country would never grudge £350 or £400 a year to a person competent to discharge the onerous duties connected with that office. As to the Clerks of the Peace, he would only say that it was false economy to attach such inadequate salaries to their offices, to limit them, as it were, to the starving point. It would, too, be much better if they received a fixed salary instead of their fees.²⁴ He would like to see the resolutions amended in the way he had indicated.²⁵

MR. SOL. GEN. H. SMITH said he was much pleased to see so much unanimity prevailing in the House with respect to these resolutions brought down by his hon. and learned friend the Attorney General West. He heartily concurred in these resolutions.²⁶ At the time of the union of the Provinces the condition of the County Court Judges was very different from the present time. They were then allowed to practise in the superior courts, but the Legislature thought it improper that that should continue, and therefore they deprived the judges not only of being members of Parliament, but also of practising in the superior courts; and having done so, the necessity was all the greater that these judges' salaries should

be increased. It was only since the Union that their salaries had been increased to £500 odd, together with £50 for travelling expenses.²⁷ With regard to the objection of the hon. member for Middlesex, that the Executive ought not to be allowed to fix the salaries of these officers, he would say that so far as the judges were concerned, it was all the same whether they left the apportionment of their salaries in the hands of the Executive or made a fixed salary.²⁸ It was well known that these gentlemen put their right to ask for an increase because of the position of the Fee Fund in their counties, but he believed that the hardest worked judges were those who had to go the backwoods. (Hear, hear.)²⁹ He would be very sorry to see their salaries fixed at a lower minimum than £400 a year³⁰ [OR] he would be sorry to offer to any newly appointed judge less than £500 a year. (Hear, hear.) The basis of the increase of their salaries should not be because of population, or of the Fee Fund, but it should be left to the Government to consider, what according to their views these gentlemen should receive in accordance with the amount of duty which they performed. He thought that if the salaries were to be appointed to range between £450 and £600, and the Government were to be allowed to act, it would be the safer plan³¹. With reference to the Clerk of the Peace, he thought it would be much more satisfactory if that office was united with that of the Clerk of the County Municipality.³² It was highly desirable that the Clerks of the Peace should be in all cases, competent to conduct public prosecutions. He hoped the house would go into committee now.³³

MR. HARTMAN thought the house should have information before it to enable it to judge [sic] whether the increase of these salaries was necessary. What evidence had it that these gentlemen were inadequately paid? (Hear, hear.)³⁴ [He] had no doubt there would be no objection offered to the suggestion of the hon. the Solicitor General, that the offices of the Clerk of the Peace and Clerk of the County Court should be amalgamated, providing that appointment were left in the haads [sic] of the County Council. If you want to give these Clerks of the Peace a salary to live on, you should give them work to do for the salary. Formerly they were the financial officers of the county except so far as taking care of the cash after it was collected, and they were well employed, and well paid for it. But the duty they performed is now distributed among the local municipalities, and the same expense has to be borne. To make up to some extent the loss which these officers sustained, they had the duties assigned them under the new jury law — and these duties in some instances have become very great. They were paid too little; but he did not think they were paid too little for the amount of work performed. The difficulty was they had not enough to do to make their services sufficient to warrant the country giving them a higher salary. The great mistake was that the duties had been taken away from these gentlemen, and it was now proposed to make up for the loss necessarily occasioned to their income, by increasing their fees.³⁵ He would have no objection to consider in committee, the propriety of giving to all the officers who were necessarily employed, a fair salary.³⁶ [However,] information had been asked by this House as to the amount of salaries received by these officers for the years 1852, '53 and '54. That information had not yet been sent down, he therefore objected to going into committee before that information in reference to the amount of fees received by these officers was sent down to the House.³⁷

MR. J. SMITH (Victoria) had heard this subject discussed ever since he had been in Parliament. It had been brought before the house every session, and it was always agreed that the Crown business ought to be conducted by efficient persons, but that idea had not been practically worked out.³⁸ [He] agreed with the proposition in the resolutions in reference to raising the salaries of the judges. But that proposal brought to his mind an idea that he had entertained, — whether it would not be practicable to abolish these County Courts altogether.³⁹ There was no doubt that the duties of the District Courts are very arduous; but the Judges had also to attend to the Division Courts, — that was where the slavish part of their business consisted.⁴⁰ He thought it better therefore to abolish these courts altogether, and allow the business to be performed in the Superior Courts.⁴¹ The only other necessity he could see for continuing

the County Court was, that the same Judge presides at the whole of the Quarter Sessions.⁴² In regard to the clerks of the peace he thought the fees were already high enough, but at the same time he thought there might be some amalgamation of offices whereby these clerks of the peace might also do the duties of prosecuting officers in the Superior Courts. Such an office was desirable and he hoped that some provision would be made to carry out that idea. He thought it necessary that the return in reference to the present salaries of the clerks of the peace should have been before the House before they had been asked to go into committee on these resolutions.⁴³

MR. SCATCHERD said they ought to know what salaries these Clerks of the Peace have been getting before he can vote to increase their fees, or before they could say whether they received enough for their labor or not. He thought it necessary that this return should be before the House before they went into committee, and he knew of no reason why they should not have it. He would, therefore, move that this House do not now go into committee, but that the further consideration of these resolutions be postponed until the return of the income of the clerks of the peace for 1853, 54, 55, as ordered by this House on the 31st of March last, be laid before this House.⁴⁴

MR. AT. GEN. J.A. MACDONALD could not see the reasonableness of delaying the resolutions in regard to raising the salary of the Judges, simply because this return in regard to the income of the Clerks of the Peace was not before them.⁴⁵ It would be very difficult for clerks of the peace to make a return, and show what they have received — many of them had kept no account.⁴⁶ If the resolutions had referred simply to Clerks of the Peace, there would have been some reason in postponing their consideration. The hon. member for ... [West] Middlesex moved for that return to this House in order to show that these officers were inadequately paid. Now because that return was not sent down, he [Mr. Scatcherd] was prepared to stay all legislation upon a subject not necessarily connected with it, and thereby run the risk of putting it out of their power to increase the salaries of these county judges this session.⁴⁷ If it be admitted that the clerk of the peace is almost at the starving point, he [Mr. Macdonald] did not think that for the sake of having an account of every copper they had received, this whole subject should stand over for another year⁴⁸, as would in all probability be the case if they waited for this return. It was a matter of no consequence to the Government, as a Government, whether these officers should receive an additional salary. But the government are satisfied that they are not at all remunerated for their services. That clause in reference to the Clerks of the Peace might be postponed for a little.⁴⁹ Clerks of the peace were obliged to devote the whole of their time to their business, and whether they had a little or a great deal to do, was of no consequence, they attended to perform their duties. He had no objection that if their duties now were not sufficient, that further duties should be imposed on them, but at any rate the clerk must have sufficient to live upon. He was aware that difficulties had been experienced in those gentlemen not being prosecuting attorneys [sic], or efficient persons to conduct crown prosecutions. It would relieve the courts and the counties of expense if competent Crown counsel were employed at the Quarter Sessions — officers similar to the District Attorney of the State of New York.⁵⁰ It might be worthy of consideration, whether it were not advisable to have our officers analogous to that of the Procurator Fiscal of Scotland.⁵¹ The clerk of the peace should be a legal man, and be the adviser of the rural magistrate — (hear, hear,) — and the school trustees should be able to come to that officer, and he should perform the duties of crown counsel at the assizes. The magistracy of the county had a good deal of litigation, because of mistakes which occur in law and practice. He thought it was rather inconsistent with the judicial position of a magistrate, to sit as such to enforce a fine. Sometimes he did not collect it from benevolent motives. That was a great mischief, and a disrespect of law. The clerk of the peace, however, was the party who should collect the fine, and be held responsible. The municipalities would thereby get a larger sum than they now obtain, and the honour of the law would be vindicated.⁵² The hon. and learned members from Toronto and London had referred to the way in which the judges were paid. He [Mr. Macdonald] proposed no alteration in the law as it now stands.⁵³ He did not see how the house could fix ... [the judges' salaries], because it was the intention of the law not to impose

them upon the Consolidated Revenue of the Province, but that the municipalities should pay their own judges, reference being had to the amount of the Sutors' fund. The Public Accounts showed that in most of the counties the Fee Fund had been insufficient to pay the salaries, and the deficiency had been charged to the Consolidated Fund. As to the rate of salary, he did think that the minimum of £250 was too small, it should not be less than £450 or £500. The judges now all received a larger salary than £250. The lowest salary received by any judge in Upper Canada being £350, and in addition an allowance of £50 a year for travelling expenses.⁵⁴ Shortly after he became Attorney General he went over the list, and raised the majority of them — those that were below the maximum of £500.⁵⁵ He had always thought that salaries of £500 should not be increased without application to Parliament. Many judges got £550. That of [the] counties of York and Peel received £500, Northumberland £500; seventeen judges out of thirty-one received £500,⁵⁶ some of the remainder £450, others sums ranging between that and £350.⁵⁷ They got their salaries according to population. He would propose that either £350 or £400 should be the minimum and £650 the maximum.⁵⁸ The fees he had altered very slightly. He hoped therefore, there would be no objections to going into Committee of the whole. It might be perfectly true that the fees received were plenty for the amount of work done, but it was a matter of no consequence whether the salaries were given by fees or by a fixed salary, they must have a salary sufficient to enable them to live. The hon. gentleman here explained briefly some projected reforms which he had not had time fully to develope for this Session, but which he would endeavor to bring forward at a future time.⁵⁹

MR. SCATCHERD said he did not ask the return in reference to the income of the Clerks of the Peace, because he thought them inadequately paid. But in consequence⁶⁰ of the late division of the counties, and from other circumstances, the Clerks of the Peace were in some counties over-paid, in some under-paid. It was for this reason that he desired the house should be put in possession of information in regard to what they now received, before fixing their remuneration for the future.⁶¹

MR. ROBINSON regretted that the Attorney General had thrown out a hint, that he might delay the question of fixing the remuneration of Clerks of the Peace. Great hardship would be inflicted if the matter was delayed for another session⁶² [and] he did not think they should postpone for a single day the consideration of this resolution. So far as the Clerk of the Peace of the County of Simcoe was concerned — he could say that he was poorly paid for his services. His salary for 1853 amounted to £163 10s.; in 1854, £171, and 1855, to £184. In 1849, before the reduction was made, the salary of this office was £332 13s. 10d. He was quite satisfied that the work performed by the Clerks of the Peace was very ill-paid.⁶³

MR. HARTMAN said he understood the hon. gentleman who spoke last to say he had quoted from returns in regard to the Clerk of the Peace of Simcoe. He (Mr. Hartman) saw from the annual statement of the proceedings of the County Council of Simcoe for 1855, the item of £250 marked as paid to the Clerk of the Peace. This was the financial statement of the officers of the County, and he had no doubt it was correct.⁶⁴

MR. ROBINSON said there might be some allowance for other services rendered; but he was sure tha [sic] salary as Clerk of the Peace was nothing like that.⁶⁵

MR. J.S. MACDONALD was not surprised that the Judges and other officers should ask the Government to increase their salaries, when the members of this house had voted an increase to themselves, to the Government, and to the officers of the Government and of the house.⁶⁶ He did not at all object to what was said regarding the necessity of this increase in consequence of the great amount of work performed by these Judges. But he objected to the mode the Government propose[d] of leaving this increase at the disposal of the Executive. The principle was unsound. But how was this House to proceed [sic] to fix the increase of these salaries when they had no information before them; when they had not even a return of the income of the Clerks of the Peace? He was convinced that the people in every section of the country would be anxious to remunerate the Judges for their services, but the principle⁶⁷ of allowing

the Government to regulate the salaries of the 31 Judges as they pleased, was a serious one. But on the whole, he was rather disposed to leave the matter in the hands of the Executive, than to place it in the hands of the house, which would give rise to an amount of trouble and lobbying that would not be desirable, as each member would, of course, be desirous of securing as large a salary as possible for the Judge of his own locality.⁶⁸ With regard to the Clerks of Peace, he thought they could not reasonably proceed to vote an increase to their incomes without first knowing what that income was⁶⁹ [OR] he would not like to delay the settling of their remuneration, on account of the returns moved for not having come down, although the Government ought to have brought down those returns. He approved of many of the reforms in regard to the Administration of Justice, which the Attorney General said, he had in contemplation, although he had not been able, as yet, to embody them in a substantive measure.⁷⁰ They were exceedingly necessary, and he would be very glad to second any measure no matter whence it emanated, having for its object to carry out these reforms.⁷¹

MR. SICOTTE the SPEAKER announced that it was six o'clock, and left the chair.⁷²

After the recess,⁷³

MR. J.S. MACDONALD resumed by stating that in consequence of the late period of the Session at which this measure was brought down, and the incomplete information of the House on the subject, he should feel himself compelled to vote against it, although he was fully convinced that a necessity existed for increasing the salaries of the County Judges.⁷⁴ [OR] He said he was not altogether satisfied with the Attorney General's scheme, but he was not disposed to reject it, as no better was offered, and as there was certainly a necessity for increasing the salaries of some of the Judges.⁷⁵

MR. S. SMITH said there were two exceptions taken to these resolutions. First, that the salary of the County Court Judge should be regulated according to population; and, secondly, that this placed too much patronage in the hands of the Executive. Now, he thought the second objection had been fairly met by the hon. Attorney General. And as to the first objection he held it to be all together untenable. Such a course could not be carried out; for a court or even a circuit might, at any time, be taken from or added to the district of the County Court Judges. He hoped the House would not throw any obstacles in the way of properly remunerating the County Judge[s].⁷⁶ He did not think this house was qualified to say what salary this or the other Judge should have. If they settled the salary of any Judge to-day, by the next quarter sessions his duties might be doubled. He could not see any other practicable mode of determining the matter, than by leaving it to the Executive. The exercise of patronage by the government in this matter could be productive of no evil, as Judges ought not to interfere in politics in any shape. He did not support the measure because he got anything from the Government. He defied the member for Haldimand to turn up the public accounts, and show what money he had ever got from the Government. As for Clerks of the Peace, there were some who had only £28 or £30 per annum, which was just board wages of a servant-maid. It was not creditable to the country that officers having so responsible duties, should be so treated.⁷⁷ The hon. gentleman concluded by supporting the resolutions.⁷⁸

MR. RANKIN hoped the member for Middlesex (Mr. Scatcherd) would withdraw his amendment. He might be satisfied it would not carry, and as he, as well as others, desired the remuneration of Clerks of the Peace to be increased, he ought not to press what would have the effect of preventing this being done for another year. The County Judges might be emphatically called the Poor man's Judges, and their duties were particularly arduous. They ought to have liberal salaries, but he did not like that the amount to be given in each case should be left to the discretion of the Governmen[t]. He would have had no objection to making the minimum as high as £500, but he decidedly objected to the Government being empowered at their own pleasure to give the lower amount to one judge, and the higher to

another.⁷⁹ It was only placing themselves in the way of temptation, and hon. gentlemen ought, at least, to pray "lead us not into temptation."⁸⁰ It would save the Government much importunity, and take away the temptation to exercise favouritism, if they would at once fix a definite scale.⁸¹

MR. BROWN was not prepared to say that the salaries of the county judges required no increase. He thought the statements made in the house tonight clearly showed that an increase was necessary in some of them, and he was aware that such was the fact. But he altogether differed from the member for Northumberland, when he said there was no other way of effecting the increase, than that presented by the Government. He thought there could not be a more objectionable proposal made than that they should hand over to the Government the power of determining the salaries of the judges as they pleased.⁸²

MR. AT. GEN. J.A. MACDONALD. — That power the Government now have and always had. The only alteration we make is to raise the maximum salary from £500 to £650.⁸³

MR. BROWN said he was aware of that; but it was a most objectionable power to give them, and he had always opposed it. In 1853 when the Government asked to have a supplementary sum of £50 placed in their hands, to dole out to this judge or that judge at their pleasure, he had opposed it very strenuously. To put judges of the land in the position of coming to members of this house, and asking them to sue the government for an increase to their salaries, was most demoralizing to the members of the house and to the Government, and most degrading to the judges. What had raised the Bench of Great Britain to the high position it occupied in the estimation of the people of England, and of all other nations, but the thorough independence of its position — the complete independence of the judges of all political parties and of the Government of the day? And where would that independence be if they gave the Executive the power of raising the salaries of the county judges from £400 to £650? Now, that the Conservatives were in power, would they not embrace the opportunity of favouring those judges who belonged to the Conservative party? And then, when the Reformers crossed over and took office, would they not do the same?⁸⁴

MR. SOL. GEN. H. SMITH — (Ironically.) Hear, hear.⁸⁵

MR. BROWN believed that, whatever party might be in power, there would be a tendency to that course, although perhaps almost imperceptible even to themselves.⁸⁶

MR. S. SMITH. — Did you ever know of such a case?⁸⁷

[MR. BROWN:] In proof of this he need only state that he had received letters from several County Court Judges, asking him to support their claims in that House for an increase of salary. Was not that degrading to the bench? Again, the power of these judges would undoubtedly be used by the Administration for political ends.⁸⁸ The effect of the system was to make the County Court Judges politicians. Out of the whole 31 Judges no member would deny that at least 20 of them were politicians. It was well known that at the time of a general election it was quite a common occurrence for the Executive to be in correspondence with County Judges; nay, Judges were occasionally seen to throw aside the ermine, and come down into the political arena.⁸⁹ He did not mean to blame the Judges, for their conduct in such cases was only natural. What he condemned was the principle of allowing the Executive such immense power.⁹⁰ Under all the circumstances he thought nothing could be more evil or injudicious than to commit the whole power in this matter to the Executive, and that there could be no system more calculated to bring the Judges of the country into contempt. There was no difficulty in the question how they could otherwise settle the matter. He admitted it would be difficult to adopt a strict scale, determining the salaries by the population or the amount of business done in the several counties. But it was the duty of the Government to furnish the house with *data* on which to proceed to prepare a complete list of the changes they deem advisable, and lay it before the house for consideration and

approval. The Government last session took this course in regard to the salaries of the Superior Judges, and the Chancellor and Vice-Chancellors, and the Lower Canada circuit Judges, and why should they not do the same here? Because the Government wanted to retain the power in their own hands, to have the 31 Judges suing at their door for an increase of their salaries. He observed the Attorney General calling "Hear, hear," but it was quite evident that any Government desirous of sustaining itself, and especially a tottering government, would be glad to have the power of adding £200, or £250 to the salary of any judge who exercised political influence in his locality. It did appear to him that very much of the trouble they had now in their political affairs — that the greatest evil they laboured under, and one fast bringing the country to the conclusion that the existing constitutional system of Canada would not work, but must be changed for one more restrictive, was the enormous power entrusted to the Executive. (Hear, hear.) It was to him very strange that in the face of all the abuses the system was every day producing, they should still go on piling up new power in the hands of the Executive.⁹¹

MR. AT. GEN. J.A. MACDONALD. — We ask no new power.⁹²

MR. BROWN. — It was surely additional power to enable the Government to raise the highest salaries from £500 to £650. It was putting at their disposal an additional bribe of £150. He did not mean to say that the County judges were open to direct bribery. He believed that as a body they were as honourable and upright as any body of men in the world. But they would not be human if they were not affected by the consideration, that the half dozen gentlemen sitting on those benches had the power of adding £200 a year permanently to their salaries. (Hear, hear.) If the resolutions were carried, enabling the Executive to give an additional £150 to the judges, there would not be a member of the house but would have letters, asking them to use their influence with the Government to obtain an increase. Even now letters were received by many members, from county judges, showing the necessity for increasing their salaries, and he did think it most improper that gentlemen in their position should be placed in the degrading position of suing the bar of this house on such a subject.⁹³

MR. J.S. MACDONALD. — Would they not be in the same position, if it was submitted to the house? Might I not join the member for Northumberland, and say "I will vote for your judge, if you will vote for mine?"⁹⁴

MR. BROWN was surprised that his hon. friend would make use of such an argument. What did it amount to? Simply, that the Administration knew better how to expend the public money than this house; admit that, and they had better leave the whole expenditure of the country in the hands of the Government, and save themselves the trouble of voting the Supplies.⁹⁵ Under all the circumstances, he trusted the hon. Attorney General West would not ask them to take the matter into consideration now.⁹⁶ As regarded the remainder of the resolutions, he did not think the house could be asked to remodel the whole tariff of county fees, without a distinct statement being submitted, showing what the Clerks of the Peace were now receiving, and what would be the effect of the proposed increase? What income the Sheriffs were now getting, and what would be the effect of the proposed increase of their fees? The house ought to know distinctly what they were voting upon.⁹⁷

MR. LORANGER remembered that the member for Lambton had opposed the increase of salary to the Circuit Judges of Lower Canada, upon the ground that it would give them more than the County Court Judges in Upper Canada. He (Mr. Loranger) had voted for⁹⁸ a resolution proposing to raise a judge's salary in Lower Canada to £650, and because he thought that if the same proposition came before the house for the judges of Upper Canada having theirs increased, he would also vote for it. That was the feeling of Lower Canada, of civil, religious, and judicial equality. He would vote in favour of the increase with all his heart and soul.⁹⁹ He thought the discretion of fixing the salary should be left with the Executive. If it was desirable to have good judges they must be well paid, and that would not be the case if the people had the fixing of the salaries.¹⁰⁰

MR. POWELL must congratulate the Government upon the unusual strength which they had exhibited this evening. First the hon. member for Glengary came to their relief. Whether the Government had been holding out to that hon. gentleman a judgeship of £300¹⁰¹ [OR] £500¹⁰² a-year or thereabouts, was now a matter of conjecture, although he did not think that the hon. member could be induced to sacrifice his political standing for such a consideration. He (Mr. Powell) thought that the house should decide upon this question of increase of salary. He would not leave it to municipal councils, sextons of churches, or the priests.¹⁰³ He thought the discretionary power in the hands of the Executive was a very dangerous one. They frequently used ... power to influence the Legislature itself. In his county, the discretionary power had been exercised most improperly.¹⁰⁴ The Judge of his county, Mr. Armstrong, had more work to do and was worse paid than any other Judge in the Province.... [He] had frequently brought the matter under the attention of the Government, and without success; and ... the reason why the claim had been unheeded was because Judge Armstrong happened to be an opponent of an honorable member of the House, who was a subservient supporter of the Administration.¹⁰⁵ He [Mr. Powell] was in favor of raising the salaries of the Judges.¹⁰⁶ It was absurd that any County Court judge should receive so miserable a pittance as £250 a year. He (Mr. P.) would embrace unions of counties, where salaries might be paid, which will induce men of first-rate ability to occupy the position of County Court judges. The duties of the Clerk of the Peace for Carleton, amounted to scarcely anything. Most of their duties had been taken away from them, by the appointment of County Council clerks, connected with the assessment rolls. The judge of Carleton was paid £375 a-year, while the Clerk of the First Division, appointed by him, received a salary¹⁰⁷ of some £700,¹⁰⁸ nearly double. The resolutions of the Solicitor-General [sic] West appeared to him (Mr. P.) to make the thing worse. Instead of doing away with the discretion of the government, it only extended it. He would, therefore, vote against the resolutions.¹⁰⁹

MR. AT. GEN. J.A. MACDONALD said that the law was not adopted by the present Government. After he came into office he had examined into the subject, and the salaries of all the Judges who had not already £500 a year received an increase of £50, except the Judge of the County of Carleton who had received an increase of £75. That had been done to bring the salary of that Judge up to the others, £450¹¹⁰, besides the £50 for travelling expenses.¹¹¹ The House would be able to judge from this how far the Government had used improperly the discretionary power entrusted to them.¹¹²

MR. FOLEY said ... fixed, the duties of the Judges had largely increased. The Insolvent Debtors Act had greatly [sic] increased then [sic] and the increase of the jurisdiction of the Division Court had also done so. Another very onerous duty which had lately been placed upon them, was their jurisdiction over Municipal contested elections. The time thus occupied by the Judges was treble what it was when the salaries were fixed. On this account he would vote for the increase of salaries to the Judges.¹¹³ He agreed that it was more appropriate, in doing that, to fix it by an Act of the house, than to leave it to the discretion of the government. He was also willing to give Clerks of the Peace whatever remuneration their duties fairly entitled them to, but he could not conceive of an instance in which they would not be remunerated [sic] to the extent of more than £20 or £30; but he thought that the average amount of their remuneration might be fixed at £150 in the year. Where cases of hardship could be found, in which it was apparent that they received too small a remuneration, the house and country were willing to increase it.¹¹⁴ It would be better that the House should decide upon such cases. There were cases where abundant remuneration was received, and ... would be manfully wrong to give a proportionate increase. In some cases too, a plurality of offices were held by the Clerks of the Peace, and in such cases, they had large incomes. A discrimination should be made between such cases, and those where the persons held but the one office of Clerk of the Peace. The same argument applied to the Sheriffs. In large places they were well remunerated, while in other places they were most indifferently so. Discretion should be exercised here, also, as to the increase. He regretted that no reference was made to the Registrars and Deputy Clerks of the Crown, who were at least in quite as bad a position as the officers whose salaries were sought to be increased.¹¹⁵ [They] were not properly paid, although they performed larger services than many

who held higher offices. Their salaries ought also to be increased. Then he would object to giving £100 to the clerk of the peace of the county of York.¹¹⁶

MR. AT. GEN. J.A. MACDONALD explained that it was given because that the gentleman could not perform the duties of deputy clerk of the crown.¹¹⁷

MR. FOLEY was satisfied with the explanation, although there were deputy clerks of the crown in other counties who had just as much right as that gentleman to such favour.¹¹⁸ The last resolution affirmed a wrong principle. It was wrong for the House to compel the Municipal Councils in the Country to pay an increase of fees. Consultation should have been had with the Councils before such an imposition was placed upon them. He would support the amendment of the member for Middlesex, declaring the inexpediency of going into committee until the returns moved for were before the House.¹¹⁹

The amendment was then put¹²⁰.

(483)

Mr. *Scatcherd* moved, seconded by Mr. *Gould*, and the Question being put, That the further consideration of the Question be postponed until the Return of the Income of each Clerk of the Peace in *Upper Canada* for the years 1853, 1854, and 1855, respectively, ordered by this House on the 31st March last, has been laid before this House; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Brown, Bureau, Christie, Charles Daoust, Darche, Delong, Antoine A. Dorion, Foley, Frazer, Gould, Hartman, Holton, Jackson, Mackenzie, Marchildon, Mattice, Munro, Patrick, Prévost, Rolph, Scatcherd, Valois, Wilson, and Wright*. — (25.)

NAYS.

Messieurs *Alleyn, Bell, Biggar, Bowes, Brodeur, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Conger, Cook, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Ferrie, Octave C. Fortier, Gamble, Gill, Gûtreumont, Labelle, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, McCann, Masson, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, Murney, O'Farrell, Poulin, Pouliot, Powell, Price, Rankin, Rhodes, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, Somerville, Spence, Stevenson, Taché, Thibaudeau, Turcotte, Whitney, and Yeilding*. — (69.)

So it passed in the Negative.

Resolved, That this House will immediately resolve itself into a Committee of the whole House to consider certain Resolutions relating to County Courts in *Upper Canada*.

MR. BROWN moved — “That it be an instruction to the said committee to amend the resolution by providing that the amount of the salaries of the several county judges of Upper Canada should not be left to the discretion of the administrators of the day, but shall be fixed by the said resolution and the statute founded thereon.” He was quite sure that the Attorney General would agree to this. It was the only right principle. The house could go into committee, and let the motion lie over until the hon. gentleman had time to prepare a scale. There was no political object in proposing this.¹²¹

MR. LARWILL moved an amendment to the amendment — That the judge who does the best business should have the best pay. The object of this motion was plain. It was to give the judge who conducts the business of his circuit with the greatest despatch, and therefore to the most advantage, the best salary.¹²²

The feeling of the house being quite against its reception, it was withdrawn.¹²³

MR. MACKENZIE thought there was a precedent for the amendment, and did not know whether he would support the amendment or not. The Emperor of China only paid his doctors when he was well, and not a farthing when he was sick. (Laughter.) He (Mr. M.) must declare his opposition to the Government having this discretion in their hands of increasing the Judges' salaries. He was in favor of the motion¹²⁴, and descanted on the corruption of present and preceding Administrations.¹²⁵

MR. CAMERON ... was in favor of the proposition now before the house.¹²⁶ He advocated the adoption of the system of giving a fixed salary to County Court Judges. There might be some difficulty in adopting the English system of having a uniform system of salaries for County Judges; but he apprehended there could be no difficulty in adopting a certain fixed scale of salaries.¹²⁷ [He] thought it desirable to place all these judges upon a more distinct footing, not so much that he thought the patronage of the government would be improperly exercised in relation to them, but they ought not to be placed in the position of being suitors upon the Government for an increase of salary. £400 ought to be the lowest salary offered to these judges.... He did not desire to delay the measure, but he thought the Attorney General West could propose a better scheme upon this subject.¹²⁸

MR. AT. GEN. J.A. MACDONALD said if the salaries of the Judges were charged on the general revenues of the Province, there would be no difficulty whatever in fixing the salary. But it was not the desire of the Government to charge the consolidated funds with any portion of the salaries of these Judges. It was the desire of the Government to make each locality defray the expense of its own judicial expenses as much as possible.¹²⁹ It would be better for the judges to apply to the Legislature when they wanted an increase than to the Governor General. He had never heard of any improper exercise of discretion with regard to these salaries; they had always been kept up with the increase of the Fee Fund.¹³⁰ If the salaries were fixed they must adopt one of two alternatives — they must either be fixed above the amount of the present fee fund, or make them a certain charge upon the consolidated revenue. In most of the cases the salaries are paid out of the fee fund; some of them altogether, and others partially. He would suggest therefore, that this clause should be allowed to pass. He hoped the hon. member for Lambton would withdraw his amendment in order that the resolutions may be discussed in committee. He would assure the hon. gentleman that the salaries of these Judges would be increased as fast as the fee fund was increased, and if in another session it was thought necessary to fix the salaries of the Judges, and give them a full salary, he would have no objection. At present it was as well to leave it to see how the fee fund encreased.¹³¹

MR. BROWN said, the hon. gentleman had not offered any argument in favour of the withdrawal of this resolution. Why should the salaries of these judges be made dependent upon the amount of fees of the Court? If it was right that they should have a certain salary, it should not be limited to the amount of those fees. Had not the salaries of the Supreme Court judges changed repeatedly? Three different scales of salaries had been created in five years for those gentlemen, and those of the Executive had also been changed, and what objections had there ever been to the change?¹³²

MR. J.S. MACDONALD (Glengary) was desirous to see the salaries fixed by statute. If the judges were to be paid their salaries in proportion to the fee fund, that fund should be made permanent.¹³³

MR. SOL. GEN. H. SMITH felt quite sure that if the amendment of the hon. member for Lambton were carried, its only effect would be to defeat the measure altogether. He did not believe there was any real objection to the present system.¹³⁴ The very moment a different system of raising the salaries should be proposed, the contrariety of opinion among hon. members who wished to favour particular judges, would necessitate an equalization of all their salaries. At present no distinction was made between their salaries by statute, and the judges themselves did not complain, and the Administration were quite

competent to fix their salaries.¹³⁵ He believed, that if the Judges were consulted, they would prefer to leave the Executive the power of paying their salaries. With reference to the statement that the County Court Judges were nearly all political men, he would say that he knew of but one political County Judge in Upper Canada.¹³⁶ He hoped the House would be allowed to go into committee on these resolutions at once.¹³⁷

MR. MURNEY would not consent that this Administration, or any other Administration, should have the control of this money. He fully agreed as to the necessity for increasing the salaries of the county judges, which should be made a handsome sum¹³⁸, because there was scarcely a session of Parliament in which the house did not throw additional labour upon them.¹³⁹ But he never would consent to give this power into the hands of an Attorney General, who might be unscrupulous — (order, order,) — who might be unscrupulous enough to misapply it.¹⁴⁰ Was it right for the Solicitor General West to be enabled to say “I will either increase or decrease your salary in accordance with the services which you render to this Administration?” (Hear, hear.) His (Mr. Murney’s) eyes had been opened the last few months to the unfair Governmental power and influence used by the Administration, and from that he was convinced that the sole and only power should be in the discretion of this house¹⁴¹ — not in the hands of an Administration, who would use every influence to sustain themselves in office.¹⁴² He preferred the salaries to be settled by Act of Parliament.¹⁴³

MR. SICOTTE the SPEAKER then put the resolution of the hon. member for Lambton¹⁴⁴.

(483-484)

Mr. *Brown* moved, seconded by Mr. *Hartman*, and the Question being put, That it be an Instruction to the said Committee to provide in the said Resolutions that the amount of the Salaries of the several County Judges of *Upper Canada* shall not be left at the discretion of the Administration of the day, but shall be fixed in the said Resolutions, and a Statute founded thereon; the House divided: and the names being called for, they were taken down, as follow: —

(484)

YEAS.

Messieurs *Aikins, Biggar, Brown, Cameron, Christie, Darche, Antoine A. Dorion, Dostaler, Dufresne, Ferrie, Foley, Gamble, Gould, Hartman, Holton, Huot, Jackson, Lumsden, John S. Macdonald, Mackenzie, Marchildon, Munro, Murney, Patrick, Rolph, Scatcherd, Valois, and Wilson.*
— (28.)

NAYS.

Messieurs *Alleyn, Bell, Bowes, Brodeur, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Clarke, Conger, Cook, Cryslar, Daly, Jean B. Daoust, Desaulniers, Dionne, Attorney General Drummond, Felton, Ferres, Octave C. Fortier, Gill, Gûvrement, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Attorney General Macdonald, McCann, Masson, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, O'Farrell, Poulin, Pouliot, Price, Rhodes, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, Spence, Stevenson, Turcotte, Whitney, and Yeilding.* — (52.)

So it passed in the Negative.

MR. MACKENZIE dissenting from Mr. Sandfield McDonald and the government’s arbitrary principles, agreed with Mr. Brown, that such a government as we have got had too much patronage, and it would be a good thing to take away some of it from them, and give it to the people. Mr. Cameron had remarked that the man who would take so low a salary as £250, for filling the important office of a judge, must be a wretched creature. What a miserable creature, then, must that gentleman ... be, who recently took the high office of an Executive Councillor, dodging his constituents, eating his own words and getting no salary at all! (Laughter.)¹⁴⁵ But that was not pertinent to the question he wished to submit to the house.¹⁴⁶ He would move to add the following words to the motion: “And that it be an instruction to the Committee to make a provision that the elective principle be introduced in all future appointments of Clerks of the Peace.” The people for many years, had desired to have the appointment of all their county officers, and it would be safer in their hands than in that of the abominable government

forced upon us by the mistaken policy of England's usurers, priests, and nobles. Would the people of Halton have elected Davis their judge and Bastedo their clerk if they could have helped it? Never! McNab, their member (Chisholm), and the men in office here, forced these men upon them, and in a trial the other week at Milton, Bastedo was clearly convicted of a deliberate fraud to the injury of Messrs. White and Martin, estimable, upright men. The Chief Justice presided at the trial, and really Sir John did not spare the delinquent in his charge — yet Sir E. Head and his colleagues held that he was quite *honest* enough for the Halton folks!¹⁴⁷ He [Mr. Mackenzie] would like to know from the hon. member for Halton whether the Clerk of the Peace, so convicted, had been removed from office.¹⁴⁸ Clerks of the peace are placed in office, too often, for the dirty work they do. Take Mr. Gurnett for instance. He had ability, but 30 years since wheeled round from ultra-republicanism to sycophancy to the base creatures in office. No paper could be more foul-mouthed against the friends he had deserted, than his. That made him clerk of the peace in a county he had cruelly slandered and insulted — and he farms it out, and takes more public money for another office. Surely those who govern should be able to choose their instruments, but here, contrary to all usage elsewhere, your sheriff lasts for ever; Mr. Jarvis has been making probably £1800 a year, for the last 25 years, as the reward of servile submission to a bad system — and he too farms out his work. The whole system of appointments was as corrupt as a dead carcass, but would we find the trading lawyers who force their way among us voting for election? No! He sat beside two as servile attorneys [sic] as ever degraded the floor of a legislature in 1851. Of course they couldn't be re-elected, but each of them had a pledge of a county judgeship for the sale of his tongue and vote, and got it too.¹⁴⁹

MR. CHISHOLM stated that Mr. Bastedo, the Clerk of the Peace alluded to, might have committed a grave error, but that he had been guilty of fraud or intentional wrong, he (Mr. Chisholm) utterly denied. That gentleman was a man of undoubted integrity and veracity. He was the son of one of the oldest inhabitants of the county,¹⁵⁰ and he (Mr. Chisholm) believed that gentleman to be utterly incapable of doing anything of the kind imputed to him by the hon. member for Haldimand, or any one else.¹⁵¹

The amendment was then put¹⁵².

(484)

Mr. *Mackenzie* moved, seconded by Mr. *Aikins*, and the Question being put, That it be an Instruction to the said Committee to make provision that the Elective principle be introduced in all future appointments of Clerks of the Peace; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins*, *Biggar*, *Christie*, *Cook*, *Darche*, *Antoine A. Dorion*, *Ferrie*, *Foley*, *Gamble*, *Gould*, *Hartman*, *Jackson*, *Mackenzie*, *Marchildon*, *Matheson*, *Scatcherd*, and *Wright*. — (17.)

(484-485)

NAYS.

Messieurs *Alleyn*, *Bell*, *Bowes*, *Brodeur*, *Brown*, *Cameron*, *Cartier*, *Casault*, *Cauchon*, *Cayley*, *Chapais*, *Chisholm*, *Church*, *Clarke*, *Conger*, *Crysler*, *Daly*, *Jean B. Daoust*, *Desaulniers*, *Dostaler*, *Dufresne*, *Felton*, *Ferres*, *Octave C. Fortier*, *Gill*, *Gutvremont*, *Labelle*, *Laporte*, *Larwill*, *LeBoutillier*, *Lemieux*, *Loranger*, *Lumsden*, *John S. Macdonald*, Attorney General *Macdonald*, *McCann*, *Masson*, *Meagher*, *Joseph C. Morrison*, *Angus Morrison*, *Munro*, *Murney*, *Poulin*, *Pouliot*, *Rhodes*, *Robinson*, Solicitor General *Ross*, *Shaw*, Solicitor General *Smith*, *Spence*, *Stevenson*, *Thibaudeau*, *Whitney*, and *Wilson*. — (54.)

So it passed in the Negative.¹⁵³

MR. HARTMAN moved "That it be an instruction to the Committee to provide that the office of Clerk of the Peace be amalgamated with that of Clerk of the County Council, and that all future appointments thereto be made by the County Councils, respectively."¹⁵⁴

MR. J.S. MACDONALD suggested that it should be added to the amendment — that the party appointed should be an Attorney, a barrister of five years' standing.¹⁵⁵

MR. MACKENZIE. — Oh! oh!¹⁵⁶

MR. J.S. MACDONALD continued, that he could not support the motion unless that were added to it, and also that the officer should be paid by the Councils.¹⁵⁷

MR. HARTMAN said he did not recollect an instance in which a Clerk of a County Council was not an Attorney. As to paying the salary, he thought it would be a saving to the Counties to have the offices united, even though they paid the whole salary.¹⁵⁸

MR. BROWN said he had voted against the motion of the hon. member for Haldimand because he had not yet come to the conviction that any office connected with the administration of justice should be made elective. At the same time he would vote, wherever it was practicable, for reducing the power of the Executive, and, as he thought the principle suggested by his hon. friend from North York was at least worthy [of] the consideration of the committee, he should support his amendment.¹⁵⁹

The House then divided on the motion¹⁶⁰.

(485)

Mr. *Hartman* moved, seconded by Mr. *Aikins*, and the Question being put, That it be an Instruction to the said Committee to provide that the Office of Clerk of the Peace be amalgamated with that of Clerk of the County Council, and that all future appointments thereto be made by the County Councils respectively; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Brown, Bureau, Christie, Darche, Antoine A. Dorion, Ferrie, Foley, Gamble, Gould, Hartman, Holton, Jackson, Mackenzie, Marchildon, Munro, Patrick, Prévost, Sanborn, Scatcherd, Valois, and Wright*. — (22.)

NAYS.

Messieurs *Alleyn, Bell, Biggar, Bowes, Brodeur, Cameron, Cartier, Cauchon, Cayley, Chapais, Chisholm, Church, Clarke, Conger, Cook, Crysler, Daly, Jean B. Daoust, Desaulniers, Dostaler, Attorney General Drummond, Dufresne, Felton, Guevremont, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, John S. Macdonald, Attorney General Macdonald, McCann, Masson, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, Niles, Poulin, Pouliot, Powell, Rankin, Rhodes, Robinson, Shaw, Solicitor General Smith, Spence, Stevenson, Thibaudeau, and Wilson*. — (50.)

So it passed in the Negative.

MR. MACKENZIE then moved that it be an instruction to the committee to provide that the Sheriffs of Counties should be elected by the people. He considered nothing could more hasten the coming of elective institutions than the imbecile government the country was now cursed with. (Uproar.)¹⁶¹ For the last 400 years the citizens of London and Middlesex had elected their sheriffs; until a recent period all England had done so, with one exception. Even now they are not fixtures like ours, but appointed annually and that, too, not from among needy and greedy dependants, but from the most independent men of the country. In the United States, where the people are protected from such vicious or ignorant rulers as come here to mend their fortunes and punish us for our sins, by written constitutions, sheriffs are elected periodically. Coroners, in England, are elective. Why did Massachu[s]etts rebel? Burke's *Revolution* tell[s] us, that the British government broke their charter, and forced on them its dependent creatures as sheriffs, judges, &c. He would give this local power to the people, and as to the county judges he would give them that appointment also. If the Judge of Frontenac was a party politician, what else was Judge Boswell, ultra republican till he was enabled in Assembly to carry his wares to market, sell reform, and follow Metcalf[e]?¹⁶²

MR. HOLTON would support the amendment.¹⁶³

(485)

Mr. *Mackenzie* moved, seconded by Mr. *Scatcherd*, and the Question being put, That it be an Instruction to the said Committee to provide that the Elective principle be introduced into the appointment of Sheriffs of Counties; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Biggar, Bureau, Cook, Darche, Antoine A. Dorion, Ferrie, Foley, Gamble, Gould, Hartman, Holton, Mackenzie, Marchildon, Matheson, Munro, Papin, Prévost, Sanborn, Scatcherd, Thibaudeau, Valois, and Wright*. — (23.)

(485-486)

NAYS.

Messieurs *Alleyn, Bell, Bowes, Brodeur, Brown, Cameron, Cartier, Casault, Cauchon, Cayley, Chapais, Chisholm, Church, Clarke, Conger, Crysler, Daly, Jean B. Daoust, Desaulniers, Dostaler, Felton, Ferres, Gill, Laporte, Lemieux, Loranger, Lumsden, John S. Macdonald, Attorney General Macdonald, McCann, Masson, Meagher, Joseph C. Morrison, O'Farrell, Patrick, Poulin, Pouliot, Powell, Rankin, Rhodes, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, Spence, Stevenson, Wilson, and Yeilding*. — (49.)

So it passed in the Negative.

MR. MACKENZIE did not expect to do more than record his solitary vote, that the counties can choose their judges far better than the centralized, corrupt coalition here can do it for them.¹⁶⁴ [He] then moved that it be an instruction to the committee to provide that the elective principle be introduced and applied to the election of County Judges.¹⁶⁵

(486)

Mr. *Mackenzie* moved, seconded by Mr. *Darche*, and the Question being put, That it be an Instruction to the said Committee to make provision that the Elective principle be introduced and applied to the election of County Judges; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Darche, Mackenzie, and Marchildon*. — (3.)

NAYS.

Messieurs *Bell, Biggar, Bowes, Brodeur, Brown, Bureau, Cameron, Cartier, Casault, Cauchon, Cayley, Chapais, Chisholm, Church, Clarke, Conger, Cook, Crysler, Jean B. Daoust, Desaulniers, Antoine A. Dorion, Dostaler, Dufresne, Felton, Ferres, Ferrie, Foley, Gamble, Gill, Hartman, Holton, Laporte, Lemieux, Loranger, Lumsden, John S. Macdonald, Attorney General Macdonald, McCann, Masson, Matheson, Meagher, Munro, O'Farrell, Patrick, Poulin, Powell, Rankin, Rhodes, Robinson, Solicitor General Ross, Scatcherd, Shaw, Solicitor General Smith, Sidney Smith, Spence, Stevenson, Thibaudeau, Valois, Whitney, Wilson, Wright, and Yeilding*. — (62.)

So it passed in the Negative.

On the vote being declared, MR. MACKENZIE rose to ask Mr. Speaker, if in connexion with the subject before the House, he would be in order to move to dispense with our feeble and ill-advised executives, and to move to elect our governors,¹⁶⁶ (no, no,)¹⁶⁷ as he was persuaded we had some as good timber in Canada-West yet, as any basswood ever imported, and a little better.¹⁶⁸

MR. SICOTTE the SPEAKER rejected the motion.¹⁶⁹

The House then went into Committee on the resolutions¹⁷⁰.

(486)

The House then resolved itself into the said Committee;

MR. HARTMAN objected to the Clerk of the Peace being allowed to charge \$3 a hundred each for making up the juror's books, each copy of the juror's book, preparing in form and superintending the making up of the juror's book — thus charging the \$3 a hundred four times over.¹⁷¹

MR. AT. GEN. J.A. MACDONALD explained that the object was simply to give the clerks sufficient remuneration. It was, of course, equal whether they get it by the piece or by a fixed increase.¹⁷²

The Committee rose and reported the resolutions as adopted.¹⁷³

- (486) and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Chisholm* reported, That the Committee had come to several Resolutions.
Ordered, That the Report be received on Tuesday next.

[On motion of] MR. INSP. GEN. CAYLEY¹⁷⁴,

- (486) A Bill to impose an additional Excise Duty on Whiskey, was, according to Order, read the third time.
Resolved, That the Bill do pass, and the Title be, "An Act to impose an additional Excise Duty on Spirits."
Ordered, That the Honorable Mr. *Cayley* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. S. SMITH¹⁷⁵,

- (486) A Bill to incorporate the International Telegraph Company, and for other purposes, was, according to Order, read the third time.
Resolved, That the Bill do pass, and the Title be, "An Act to authorize *William Weller* to hold and convey the *Canada Grand Trunk Telegraph Line*."
Ordered, That Mr. *Sidney Smith* do carry the Bill to the Legislative Council, and desire their concurrence.

Mr. Papin's bill to provide more effectual means for payment of Life Annuities, not having a preamble, its third reading was objected to.¹⁷⁶

MR. PAPIN was astonished such an objection should be made. The preamble was, in reality, nothing.¹⁷⁷

MR. SICOTTE the SPEAKER ruled that it would establish a bad precedent. It was not strictly out of order.¹⁷⁸

MR. DORION said there were no preambles to the bills in the United States, and no preambles in France, and therefore he considered that it would be wrong to reject a bill because it had no preamble.¹⁷⁹

MR. CASAULT said instead of the French laws having no preamble, they were all preamble. He thought if a preamble was necessary in a private Bill, it ought to be necessary in a public Bill.¹⁸⁰

MR. SOL. GEN. D. ROSS. — It was a dangerous precedent to do away with the preamble of a Bill. It was the only safe guide to the judges to ascertain the meaning of many Acts, and in fact there was no law to be found without a preamble.¹⁸¹

MR. SICOTTE the SPEAKER said the 53rd rule made it imperative that there should be a preamble, and it were better that the Bill should be withdrawn and amended by having a preamble.¹⁸²

MR. PAPIN said he saw what it was. The Provincial Secretary, and other hon. gentlemen opposite to whom the Bill had been submitted, had expressed their concurrence in the Bill, but now they were doing all in their power to prevent its passing. The hon. member here submitted a preamble to the Bill¹⁸³.

[The Bill] was then read a third time.¹⁸⁴

(486) A Bill to provide more effectual means for securing the payment of Life Annuities (*Rentes Viagères*), was, according to Order, read the third time.

(487) An Amendment was made to the Bill, by leaving out all the words after "*Canada*" in the first Clause, and inserting the words "for the holders of Constituted Rents (*Rentes Constitutées* [sic]), and Life Rents (*Rentes Viagères*), secured by privilege and hypothec of *bailleur de fonds*, to proceed by opposition *à fin de charge* for the preservation of their rights in respect of such Rents" instead thereof.

Resolved, That the Bill do pass, and the Title be, "An Act to provide more effectual means for securing the payment of Constituted Rents and Life Rents."

Ordered, That Mr. *Papin* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. J. DORION¹⁸⁵,

(487) A Bill to legalize a certain School Assessment in the Parish of *St. Christophe d'Arthabaska*, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. *Antoine Aimé Dorion*¹⁸⁶ do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the Bill to simplify and expedite the proceedings in the County Courts in *Upper Canada*, and to alter and amend the Law in relation to those Courts, being read;

On motion of MR. AT. GEN. J.A. MACDONALD,¹⁸⁷

(487) The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.

On motion of MR. SOL. GEN. H. SMITH,¹⁸⁸

(487) The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to amend the Act to provide for the formation of Incorporated Joint Stock Companies for manufacturing, mining, mechanical, or chemical purposes;" and the same were read, as follow: —

Page 1, line 23. Leave out "fifteen" and insert "thirty."

Page 1, line 24. After "by" insert "a written notice signed by the Secretary, and addressed to each of the Shareholders or their representatives, and transmitted through the Post Office, and by."

Page 1, line 28. After "by" insert "the votes of a," and leave out from "of" to "to" and insert "all the Stockholders holding a majority of the shares in the Company given thereat, in person or by proxy."

Page 2, line 38. Leave out from "subscribed" to "the" in line 39.

Page 2, line 39. Leave out from "Company" to "shall" in line 40.

Page 2, line 40. Leave out from "enact" to "By-Laws" in line 42.

Page 2, line 43. After "purposes" insert "in addition to those mentioned in the Act first above cited, namely."

Page 3, line 15. Leave out "said."

Page 3, line 16. Leave out from "advantage" to "all" in line 19, and insert "Provided always that permission to do so be first had and obtained from the Council of the Municipality having the control of such road or street, that no unnecessary damage be done in the execution of the works,

and that care be taken as far as may be to preserve a free and uninterrupted passage through such road or street, while they are in progress."

The said Amendments, being read a second time, were agreed to.

Ordered, That Mr. Solicitor General *Smith* do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments.

[On motion of] MR. DUFRESNE¹⁸⁹,

(487) The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to amend the Act of Incorporation of the *L'Assomption* River and Railway Company;" and the same were read, as follow: —

(488) Page 2, line 4. After "third" insert "and if the two arbitrators appointed as aforesaid, either by the parties, or by one of them, and by a Judge on behalf of the other, cannot agree as to the appointment of a third arbitrator, it shall be lawful for any Judge of the Superior or Circuit Court for *Lower Canada*, on the Petition of either of the said arbitrators, and after due notice to the other, to appoint such third arbitrator, and the."

Page 2, line 5. Leave out "whom" and insert "the three arbitrators."

The said Amendments, being read a second time, were agreed to.

Ordered, That Mr. *Dufresne* do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments.

On motion of MR. SOL. GEN. H. SMITH,¹⁹⁰

(488) The House, according to Order, resolved itself into a Committee on the Bill to amend the Act for the qualification of Justices of the Peace; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Mackenzie* reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. *Mackenzie* reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill be read the third time on Monday next.

On motion of MR. AT. GEN. DRUMMOND¹⁹¹,

(488) The House, according to Order, resolved itself into a Committee on the Bill to establish a Circuit Court in and for the County of *Huntingdon* and part of the County of *Chateauguay*; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Turcotte* reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Tuesday next.

On motion of the Honorable Mr. *Drummond*, seconded by the Honorable Mr. *Cartier*,

Resolved, That this House will, on Tuesday next, resolve itself into a Committee of the whole House, to take into consideration the expediency of making provision for the Salary of an additional Judge of the Circuit Court in *Lower Canada*, such Salary not to exceed the sum of Six hundred and fifty pounds, currency, per annum.

MR. MUNRO moved the house into Committee on the Bill to amend the charter of the Bond Head Harbour Company.¹⁹²

MR. AT. GEN. J.A. MACDONALD objected to the motion being taken out of its order.¹⁹³

MR. AT. GEN. DRUMMOND and MR. SOL. GEN. H. SMITH having examined the Bill, consented to its being taken up.¹⁹⁴

MR. SICOTTE the SPEAKER called on Dr. Masson to take the chair of the Committee.¹⁹⁵

MR. AT. GEN. J.A. MACDONALD. — I objected to the motion.¹⁹⁶

MR. SICOTTE the SPEAKER again took the chair¹⁹⁷.

After a short discussion, the house resolved itself into Committee on the Bill.¹⁹⁸

(488) The House, according to Order, resolved itself into a Committee on the Bill to amend the Act incorporating the *Bond Head* Harbour Company, to increase the Capital Stock of the said Company, and for other purposes;

MR. AT. GEN. J.A. MACDONALD moved that the committee rise.¹⁹⁹

MR. HARTMAN complained of the conduct of the Attorney General, in having allowed the Bill to go into committee, and then making this motion to kill it off, with the view of punishing the hon. member (Mr. Munro,) for his vote to-night against the County Courts measure. He thought it a course most unworthy of any member of the government. (Hear, hear.)²⁰⁰

After some discussion, it was moved that the committee rise²⁰¹.

(488) and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Masson* reported, That the Committee had made some progress, and directed him to move for leave to sit again. *Ordered*, That the Committee have leave to sit again on Monday next.

Then, on motion of the Honorable Mr. Attorney General *Drummond*, seconded by Mr. *Turcotte*,
The House adjourned until Monday next.²⁰²

Appendix

[DISCUSSION RE: SECOND READING, COLONIAL BANK BILL.]

MR. SOL. GEN. H. SMITH moved the second reading of the bill to incorporate the British Bank of Canada.²⁰³

MR. MACKENZIE objected to the motion, as the bill was taken out of its order.²⁰⁴

[DISCUSSION RE: STATEMENT BY A MEMBER.]

MR. FERRES rose to ask the hon. member for Lambton whether he (Mr. Ferres) had made use of the statement imputed to him in the public prints that the lands proposed to be granted to the North Shore Company were worth £600,000 a-year?²⁰⁵

MR. SICOTTE the SPEAKER hoped the hon. member for Broome [sic] did not mean to identify the hon. member for Lambton with that report. It would be a very dangerous practice to allow such correction to be made in that House²⁰⁶.

The subject then dropped.²⁰⁷

Footnotes

1. According to *Toronto Daily Leader*, 10 May 1856, this message was delivered to the House in the middle of Mr. Wilson's speech in the debate on County Courts in Upper Canada.
2. *Hamilton Spectator Semi-Weekly*, 14 May 1856.
3. *Toronto Daily Leader*, 10 May 1856. In the *Journals* of 13 May 1856, when these resolutions are reported, the amount given for this item is also 2s. 6d.; however, *Hamilton Spectator Semi-Weekly*, 14 May 1856, differs from these sources and reports the amount of "fifteen shillings".
4. *Toronto Daily Leader*, 10 May 1856.
5. *Hamilton Spectator Semi-Weekly*, 14 May 1856.
6. *Toronto Daily Leader*, 10 May 1856.
7. *Globe*, 10 May 1856.
8. *Toronto Daily Leader*, 10 May 1856.
9. *Globe*, 10 May 1856.
10. *Toronto Daily Leader*, 10 May 1856.
11. *Globe*, 10 May 1856.
12. *Toronto Daily Leader*, 10 May 1856.
13. *Globe*, 10 May 1856.
14. *Toronto Daily Leader*, 10 May 1856.
15. *Globe*, 10 May 1856.
16. *Toronto Daily Leader*, 10 May 1856.
17. *Globe*, 10 May 1856.
18. *Toronto Daily Leader*, 10 May 1856.
19. *Globe*, 10 May 1856.
20. *Toronto Daily Leader*, 10 May 1856.
21. *Globe*, 10 May 1856.
22. *Toronto Daily Leader*, 10 May 1856.
23. *Toronto Daily Leader*, 10 May 1856. The *Journals* reference to this Message is found on page (482) 1920.
24. *Toronto Daily Leader*, 10 May 1856.
25. *Globe*, 10 May 1856.
26. *Toronto Daily Leader*, 10 May 1856.
27. *Globe*, 10 May 1856.
28. *Toronto Daily Leader*, 10 May 1856.
29. *Globe*, 10 May 1856.
30. *Toronto Daily Leader*, 10 May 1856.
31. *Globe*, 10 May 1856.
32. *Toronto Daily Leader*, 10 May 1856.
33. *Globe*, 10 May 1856.
34. *Ibid.*
35. *Toronto Daily Leader*, 10 May 1856.
36. *Globe*, 10 May 1856.
37. *Toronto Daily Leader*, 10 May 1856.
38. *Globe*, 10 May 1856.
39. *Toronto Daily Leader*, 10 May 1856.
40. *Globe*, 10 May 1856.
41. *Toronto Daily Leader*, 10 May 1856.
42. *Globe*, 10 May 1856.
43. *Toronto Daily Leader*, 10 May 1856.
44. *Ibid.*
45. *Ibid.*
46. *Globe*, 10 May 1856.
47. *Toronto Daily Leader*, 10 May 1856.
48. *Globe*, 10 May 1856.
49. *Toronto Daily Leader*, 10 May 1856.
50. *Globe*, 10 May 1856.

51. *Toronto Daily Leader*, 10 May 1856.
52. *Globe*, 10 May 1856.
53. *Toronto Daily Leader*, 10 May 1856.
54. *Globe*, 10 May 1856.
55. *Toronto Daily Leader*, 10 May 1856.
56. *Globe*, 10 May 1856.
57. *Toronto Daily Leader*, 10 May 1856.
58. *Globe*, 10 May 1856.
59. *Toronto Daily Leader*, 10 May 1856.
60. *Ibid.*
61. *Globe*, 10 May 1856.
62. *Ibid.*
63. *Toronto Daily Leader*, 10 May 1856.
64. *Ibid.*
65. *Ibid.*
66. *Globe*, 10 May 1856.
67. *Toronto Daily Leader*, 10 May 1856.
68. *Globe*, 10 May 1856.
69. *Toronto Daily Leader*, 10 May 1856.
70. *Globe*, 10 May 1856.
71. *Toronto Daily Leader*, 10 May 1856.
72. *Ibid.*
73. *Globe*, 10 May 1856.
74. *Toronto Daily Leader*, 10 May 1856.
75. *Globe*, 10 May 1856.
76. *Toronto Daily Leader*, 10 May 1856.
77. *Globe*, 10 May 1856.
78. *Toronto Daily Leader*, 10 May 1856.
79. *Globe*, 10 May 1856.
80. *Toronto Daily Leader*, 10 May 1856.
81. *Globe*, 10 May 1856.
82. *Ibid.*
83. *Ibid.*
84. *Ibid.*
85. *Ibid.*
86. *Ibid.*
87. *Ibid.*
88. *Toronto Daily Leader*, 10 May 1856.
89. *Globe*, 10 May 1856.
90. *Toronto Daily Leader*, 10 May 1856.
91. *Globe*, 10 May 1856.
92. *Ibid.*
93. *Ibid.*
94. *Ibid.*
95. *Ibid.*
96. *Toronto Daily Leader*, 10 May 1856.
97. *Globe*, 10 May 1856.
98. *Toronto Daily Leader*, 10 May 1856.
99. *Globe*, 10 May 1856.
100. *Toronto Daily Leader*, 10 May 1856.
101. *Globe*, 10 May 1856.
102. *Mackenzie's Weekly Message*, 16 May 1856.
103. *Globe*, 10 May 1856.
104. *Toronto Daily Leader*, 10 May 1856. The ellipsis represents an illegible word.
105. *Hamilton Spectator Semi-Weekly*, 14 May 1856. This excerpt is taken from a commentary, which provides the best account for this part of Mr. Powell's speech. However, the second ellipsis represents a statement omitted from the reconstruction,

as it is doubtful that the speaker would have himself said that "the gentleman referred to was absent from the city, and he [Mr. Powell] had no fear of immediate personal chastisement for this insult".

106. *Toronto Daily Leader*, 10 May 1856.
107. *Globe*, 10 May 1856.
108. *Toronto Daily Leader*, 10 May 1856.
109. *Globe*, 10 May 1856.
110. *Hamilton Spectator Semi-Weekly*, 14 May 1856. This excerpt is a copy of the report of *Toronto Daily Leader*, 10 May 1856, which is partly illegible.
111. *Hamilton Spectator Semi-Weekly*, 14 May 1856. This excerpt is taken from a commentary.
112. *Toronto Daily Leader*, 10 May 1856. *Globe*, 10 May 1856, reports a statement which seems contradictory to the report of the speech in the *Toronto Daily Leader*, and the information found in the commentary of *Hamilton Spectator Semi-Weekly*, 14 May 1856. The statement is as follows: "He was aware that the judge of the County Court in Carleton had felt himself aggrieved in not receiving the same salary as other judges, but that judge would have his salary raised when the proper time came."
- Hamilton Spectator Semi-Weekly*, 14 May 1856, in its commentary, reports that after Mr. J.A. Macdonald gave these explanations to the House concerning the salary of the Judge of Carleton, "poor Powell felt rather taken down, and was compelled to submit to a hearty laugh on the part of the members, at his expense."
113. *Toronto Daily Leader*, 10 May 1856. The ellipsis represents illegible words.
114. *Globe*, 10 May 1856.
115. *Toronto Daily Leader*, 10 May 1856. The ellipsis represents illegible words.
116. *Globe*, 10 May 1856.
117. *Ibid.*
118. *Ibid.*
119. *Toronto Daily Leader*, 10 May 1856.
120. *Ibid.*
121. *Globe*, 10 May 1856.
122. *Hamilton Spectator Semi-Weekly*, 14 May 1856. This excerpt is a copy of the account of *Toronto Daily Leader*, 10 May 1856, which concurs with *Globe*, 10 May 1856, and reports Mr. Larwill to have said "the Judge who does the least business should have the most pay."
123. *Globe*, 10 May 1856.
124. *Ibid.*
125. *Toronto Daily Leader*, 10 May 1856.
126. *Globe*, 10 May 1856.
127. *Toronto Daily Leader*, 10 May 1856.
128. *Globe*, 10 May 1856.
129. *Toronto Daily Leader*, 10 May 1856.
130. *Globe*, 10 May 1856.
131. *Toronto Daily Leader*, 10 May 1856.
132. *Globe*, 10 May 1856.
133. *Ibid.*
134. *Toronto Daily Leader*, 10 May 1856.
135. *Globe*, 10 May 1856.
136. *Toronto Daily Leader*, 10 May 1856. *Mackenzie's Weekly Message*, 16 May 1856, reports the following information: "Mr. Henry Smith (alluding to Judge Mackenzie of Kingston) said he knew of but one political judge — and he went on to describe the arbitrary removals he had made, &c."
137. *Toronto Daily Leader*, 10 May 1856.
138. *Ibid.*
139. *Globe*, 10 May 1856.
140. *Toronto Daily Leader*, 10 May 1856.
141. *Globe*, 10 May 1856.
142. *Toronto Daily Leader*, 10 May 1856.
143. *Globe*, 10 May 1856.
144. *Ibid.*
145. *Mackenzie's Weekly Message*, 16 May 1856. This newspaper specifies that Mr. Mackenzie here referred to "[Mr. J.] Morrison".
146. *Globe*, 10 May 1856.

147. *Mackenzie's Weekly Message*, 16 May 1856.
148. *Toronto Daily Leader*, 10 May 1856.
149. *Mackenzie's Weekly Message*, 16 May 1856.
150. *Ibid.*
151. *Toronto Daily Leader*, 10 May 1856.
152. *Ibid.*
153. *Mackenzie's Weekly Message*, 16 May 1856, comments that at this division "the brothers Smith, of Port Hope, dodged the vote, and ... Merritt, and others, were at the moment absent."
154. *Globe*, 10 May 1856.
155. *Ibid.*
156. *Ibid.*
157. *Ibid.*
158. *Ibid.*
159. *Ibid.*
160. *Toronto Daily Leader*, 10 May 1856.
161. *Globe*, 10 May 1856.
162. *Mackenzie's Weekly Message*, 10 May 1856.
163. *Toronto Daily Leader*, 10 May 1856.
164. *Mackenzie's Weekly Message*, 16 May 1856.
165. *Globe*, 10 May 1856.
166. *Mackenzie's Weekly Message*, 16 May 1856.
167. *Toronto Daily Leader*, 10 May 1856.
168. *Mackenzie's Weekly Message*, 16 May 1856.
169. *Mackenzie's Weekly Message*, 16 May 1856. This newspaper reports that Mr. Mackenzie's motion was rejected "in the midst of an uproar that baffles all description".
170. *Toronto Daily Leader*, 10 May 1856. A commentary in this newspaper reports that the House went into Committee "at half-past eleven o'clock".
171. *Toronto Daily Leader*, 10 May 1856.
172. *Ibid.*
173. *Ibid.*
174. *Globe*, 10 May 1856.
175. *Ibid.*
176. *Toronto Daily Leader*, 10 May 1856.
177. *Ibid.*
178. *Ibid.*
179. *Toronto Daily Leader*, 10 May 1856. This newspaper does not indicate whether the speaker was Mr. A. Dorion or Mr. J. Dorion. No other newspaper reports this debate.
180. *Toronto Daily Leader*, 10 May 1856.
181. *Ibid.*
182. *Ibid.*
183. *Ibid.*
184. *Ibid.*
185. *Globe*, 10 May 1856.
186. This information is most likely to be erroneous as this Bill was under the care of the member for Drummond and Arthabaska, Mr. J. Dorion.
187. *Globe*, 10 May 1856.
188. *Ibid.*
189. *Toronto Daily Leader*, 10 May 1856.
190. *Globe*, 10 May 1856.
191. *Toronto Daily Leader*, 10 May 1856.
192. *Globe*, 10 May 1856.
193. *Ibid.*
194. *Ibid.*
195. *Ibid.*
196. *Ibid.*
197. *Ibid.*

198. *Globe*, 10 May 1856.
199. *Ibid.*
200. *Ibid.*
201. *Ibid.*
202. *Toronto Daily Leader*, 10 May 1856, reports the House adjourned at "half-past 12 o'clock", whereas *Globe*, 10 May 1856, reports it adjourned "shortly before one o'clock".
203. *Toronto Daily Leader*, 10 May 1856.
204. *Ibid.*
205. *Toronto Daily Leader*, 10 May 1856. The statement to which Mr. Ferres referred is reported on 7 May 1856, page 1863.
206. *Toronto Daily Leader*, 10 May 1856.
207. *Ibid.*

MONDAY, 12 MAY 1856

(489)

THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Thibaudeau*, — The Petition of the Reverend *J. Sasseville* and others, of *St. Basile*; and the Petition of *A. Plamondon* and others.

By Mr. *Desaulniers*, — The Petition of *A. Gélinas* and others, of *St. Barnabé*.

By Mr. *Somerville*, — The Petition of the Municipality of the Township of *Elgin*.

By Mr. *Jean Baptiste Eric Dorion*, — The Petition of *G. Marchand* and others, of *Blanford*; the Petition of *H. Foudreault* and others, of *St. Jean Deschaillons*; and the Petition of *D. Mailhiot* and others, of *St. Edouard de Gentilly*.

By Mr. *Foley*, — The Petition of *Daniel Snyder* and others, of the Village of *Waterloo*.

By Mr. *Masson*, — The Petition of *L'Institut de Vaudreuil*; and the Petition of the Reverend *T. Brassard* and others, of the County of *Soulanges*.

By the Honorable Mr. *Cauchon*, — The Petition of the Mayor, Aldermen, and Commonalty of the City of *Hamilton*.

By Mr. *Alley*, — The Petition of the Right Reverend the Lord Bishop of *Quebec*, and others, of the City of *Quebec*.

By Mr. *Mackenzie*, — The Petition of the Municipality of *Caledonia*, County of *Haldimand*.

By Mr. *Taché*, — The Petition of *E.L. Montizambert*, Attorney on behalf of *Adolphe de Puibusque* and *Elizabeth Taylor* his wife, of the City of *Paris*, in the Empire of *France*, and others.

By the Honorable Mr. *Lemieux*, — The Petition of *J.B. Charland* and others, of *St. Jean Deschaillons*.

Pursuant to the Order of the day, the following Petitions were read: —

Of *Praxède Larue* and others, of *St. Augustin*; and of *P.B. Dumoulin* and others, of the *Banlieue* of *Three Rivers*; praying that no further guarantee may be given to the Grand Trunk Railway Company, and that the claim of the North Shore Railway Company should, as a right, be favorably considered by the Government.

Of *Donald McDonald*, of the Town of *L'Orignal*; praying compensation as Census Commissioner for the United Counties of *Prescott* and *Russell*.

Of the Mayor, Aldermen, and Commonalty of the City of *Toronto*; praying for certain amendments to the [Act] 12 Vic. cap. 81, respecting the appointment of Police Constables by Municipalities.

Of *Michael Graybeil* and others, of the Township of *Wainfleet*; of *John Hart* and others, of the Township of *Brock*; of *Charles C. Jones* and others, of the Township of *Scott*; of the Reverend *Robert Wallace* and others, of the Town of *Port Burwell*; of *Oliver Hamilton* and others, of *Port Burwell*, County of *Elgin*; of *James H. Lawrence* and others, of the Town of *Collingwood*, County of *Simcoe*; and of *W. Bennett* and others, of the Town of *Port Burwell*; praying that Representation may be based upon Population.

Of the Municipality of the Townships of *Mara* and *Rama*; praying that the apportionment of the Clergy Reserve Fund may be made to each Township, without the intervention of the Counties.

Of *Francis Martin* and others; praying for the abolition of Sunday labor in the Post Office Department, and on the *St. Lawrence Canals*.

Of *Daniel Wright* and others, of the County of *Ontario*; praying that means may be adopted to prevent the unnecessary expenditure of the endowment of King's College.

Of the Municipality of the United Counties of *Fenelon* and *Bexley*; praying that the County of *Victoria* may be separated from the County of *Peterborough*, for Judicial and other purposes, and that the Town of *Lindsay* may be made the County Town.

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Of *H. Lanctot* and others, of the Parish of *Laprairie*; praying for the abolition of Tithes, and for the passing of an Act fixing the amount of salary to be paid to the Priest, in proportion to the population of each Parish, out of the revenues of the *Fabrique*.

Of *H. Lanctot* and others, of the Parish of *Laprairie*; of *Romuald Bourassa* and others, of the Parish of *Laprairie*; of *Charles Varrie* and others, of the Parish of *St. Isidore*, County of *Laprairie*; of *A.M.P. Papin* and others, of the Parish of *St. Jacques le Mineur*, County of *Laprairie*; of *Pierre Nolin* and others, of *St. Norbert d'Arthabaska*; of *T. Paradis* and others, of *St. Guillaume*; and of *A. Dugas* and others, of *St. Remi*; praying that no further [sic] guarantee may be given to the Grand Trunk Railway Company.

Of *Asa A. Burnham* and others, of *Cobourg*; of *A. Milne* and others, of *Cobourg*; and of the Town Council of the Town of *Cobourg*; praying for aid to complete and improve the *Cobourg Harbour*.

Of the Reverend *F.A. Oliva* and others, of the Township of *Cap Rosier* and other places, in the County of *Gaspé*; praying aid for a Road.

Of *Frederick W. Henshaw*, of the City of *Montreal*; representing that by the passing of the Act 18 Vic. cap. 95, sec. 2, he is prohibited from exercising the calling of Pot and Pearl Inspector, to which he has given his attention for upwards of fourteen years; and praying relief.

Of the Reverend *E. Faucher* and others, of *St. Jean Deschailons* and other Parishes, County of *Lotbinière*; and of the Reverend *S. Belleau* and others, of the Parish of *Ste. Croix*, County of *Lotbinière*; praying that the County of *Lotbinière* may not be annexed to the County of *Mégantic* and *Arthabaska* for judicial purposes.

Of the Reverend *E.W. Sewell*, Incumbent [sic], and others, Wardens of the Chapel of the Holy Trinity, *Quebec*; praying that no legal sanction may be given for holding Synodical Assemblies of the United Church of *England* and *Ireland* in *Canada*, until the Members of the said Church shall have had time to consider and express their opinions thereon.

Of the *St. Patrick's* Catholic Institute of *Quebec*; praying for aid.

Of the Mayor, Aldermen, and Citizens of the City of *Quebec*; praying that the said City may not be compelled to contribute towards the maintenance of the proposed Provincial Police a greater sum than they now pay for their present Police Force, nor be deprived of the Fines levied in the Recorder's Court about to be established in the said City.

Of *J.H. Price* and others, of the Township of *York*; praying for the repeal of the Separate School Act.

Of the Municipality of the Township of *Lancaster*; praying that the Boundary Line between *Upper* and *Lower Canada* may be more correctly defined, and for the opening of a Road thereon between the Rivers *St. Lawrence* and *Ottawa*.

Of *John McLaren*, Mayor, and others, of *Malbaie* and other Parishes, County of *Charlevoix*; praying for certain amendments to the Act 16 Vic. cap. 18.

Mr. *Powell*, from the Select Committee to which was referred the Petition of *Joseph S. Lee*, of *Ottawa*, presented to the House the Report of the said Committee; which was read, as followeth:—

The request made by the Petitioner for compensation arises out of the fact alleged in the Petition, that Parliament occupied for two months, namely, from the 15th June to the 15th August, 1853, the Music Hall at *Quebec*, which had previously been let to the Petitioner for that period.

The Petitioner, on the faith of his right to the said Music Hall, actually entered into heavy engagements with a first-rate Company, headed by the late *Madame Sontag*, and lost both money and time in completing his arrangements with them, which were rendered useless by reason of his being deprived of the possession of the said Music Hall.

Parliament took possession of the said Music Hall under agreement with the Directors thereof, upon the assurance and conviction that the Petitioner had not in fact any prior lease of the same. Your Committee, however, find that Parliament was deceived; and there is no room to question that the Petitioner had in fact entered into a prior agreement with the Directors of the said Hall, and that although innocent occupiers, the Legislative Body took possession of the said hall in derogation of the Petitioner's rights.

Your Committee have examined the Honorable Mr. *Killaly*, and from his evidence it is clear, that if Parliament had not been deceived as to the Petitioner's right to a Lease, possession would not have been taken without giving adequate compensation to the Petitioner for a surrender of

his right to a Lease in favor of Parliament, and that in his opinion a sum of Five hundred pounds at least would have been given him.

Your Committee have examined Mr. *Wallack*, a theatrical manager and actor of high standing, and whose experience and character warrant a reliance on his opinions. Mr. *Wallack* stated, that from his knowledge of the circumstances of the case, from the time and trouble expended by the Petitioner in engaging his Company, headed by so eminent an *Artiste* as the late Madame *Sontag*, he regarded the Petitioner's adventure as certain to result in a large profit to him, and he expressed his own conviction, without hesitation, that if the Petitioner had not been interrupted in his occupation of the said Music Hall, he might reasonably have anticipated to realize a profit of at least One thousand pounds sterling.

Your Committee find that the Petitioner sued the Directors of the said Music Hall for damages in the Superior Court at *Quebec*, and that the result of the action was a verdict for the Petitioner, with Twenty pounds damages, and costs.

Your Committee examined Mr. *Himsworth*, who acted as the Petitioner's Agent in hiring the said Hall, and who is personally acquainted with all the material circumstances of the case, and they find that while on the one hand the Petitioner's Lease cannot, on the face of Mr. *Himsworth's* evidence, be questioned, and the yet clearer confirmation of the fact by a distinct affirmation of the Petitioner's Lease by a Court of competent jurisdiction, they find that the measure of damages given by the Court had no reference whatever to the consequent loss sustained by the Petitioner through being deprived of his said Lease and the occupation thereunder, because, in fact, the Petitioner could not collect his scattered Company, who had become dispersed over *America* and *Europe*, and Madame *Sontag* had died in the meantime.

Your Committee therefore do not think that the verdict of the Superior Court at *Quebec* should be taken as the fair measure of the Petitioner's actual loss, and in common justice it ought not to be so taken.

Your Committee find, and the Petitioner admits, that he has no actual legal claim; but they also think that he has good grounds for expectation that Parliament will, under the circumstances, view his Petition with favor and consideration.

Your Committee recommend Parliament to vote the Petitioner a sum of Three hundred pounds, which, under all the circumstances, is not too large a sum to meet the justice of the Petitioner's reasonable expectations.

Mr. *Jobin* reported from the Select Committee on the Bill to facilitate the examination of Candidates for admission to the Notarial Profession in *Lower Canada*, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Casault* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

Mr. *Mackenzie*, from the Select Committee appointed to consider and report to the House whether any and what improvement may be made in the providing for the execution of the Office of Speaker, in the event of the Speaker's unavoidable absence by reason of illness, or of other causes, presented to the House the Report of the said Committee; which was read, as followeth:—

Your Committee, appointed to consider and report to the House whether any, and what improvement may be made in the providing for the execution of the Office of Speaker, in the event of the Speaker's unavoidable absence by reason of illness, or of other causes, are unanimously of opinion that provision should be made therefor by Law.

Ordered, That Mr. *Mackenzie* have leave to bring in a Bill to provide for the execution of the Office of Speaker of the Legislative Assembly, in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

Mr. Solicitor General *Ross* reported from the Select Committee on the Bill to amend the Act 16 *Vic.* cap. 13, intituled, "An Act to provide for the better organization of Agricultural Societies

in *Lower Canada*, and for other purposes connected with Agriculture in *Upper and Lower Canada*," That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Whitney* reported, That the Committee have gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

Ordered, That the Bill to vest certain Road allowances in the Township of *Brantford*, in *George S. Wilkes*, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Conger* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

(493)

Ordered, That the Honorable Mr. *Cameron* have leave to bring in a Bill to settle the northern boundary line of the City of *Toronto*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of Mr. *Thomas Fortier*, seconded by Mr. *Guevremont*,

Ordered, That that part of the Journals of this House, of the 22nd August, 1851, which relates to an Order granting Five hundred pounds to *Paul Kane*, for furnishing this House with a certain number of Oil Paintings, be referred to the Standing Committee on Contingencies, to inquire and report to this House whether the conditions upon which the said grant was made, have been complied with.

Ordered, That the Bill to incorporate the *Kingston and Newburg* Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

Ordered, That the Bill to incorporate the Union Bank of *Upper Canada*, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

On motion of MR. J. MORRISON,¹

(493)

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee²; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Hartman* reported, That the Committee had gone through the Bill, and made amendments thereunto.

And the Question being proposed, That the Report be now received;

MR. BROWN called the attention of the Inspector General to the way in which such bills were hurried through the House. This was one of these bills of a similar character now before the House, and one particular clause in each bill had been settled in a different way. He could not comprehend such Legislation. He thought, however, that bills affecting so materially the commercial interest of the community should be more closely watched by the Inspector General.³

MR. MACKENZIE complained that provisions had been left in this Bill, that had been struck out of the Montreal Bank Bill. He protested that there was neither sense nor reason in the proceedings of the house, and moved that the Report be not now received, but that it be received this day six months.⁴

(493)

Mr. *Mackenzie* moved in amendment to the Question, seconded by Mr. *Jean Baptiste Eric Dorion*, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Darche, Jean B.E. Dorion, Larwill, and Mackenzie*. — (4.)

NAYS.

Messieurs *Aikins, Biggar, Bowes, Brodeur, Cameron, Cartier, Casault, Cauchon, Chabot, Chapais, Chisholm, Church, Clarke, Conger, Cook, Dionne, Dostaler, Dufresne, Ferres, Foley, Thomas Fortier, Fournier, Frazer, Gamble, Gill, Gutremont, Hartman, Holton, LeBoutillier, Lemieux, McCann, Joseph C. Morrison, Angus Morrison, Murney, O'Farrell, Papin, Patrick, Poulin, Pouliot, Powell, Price, Robinson, Solicitor General Ross, Scatcherd, Somerville, and Spence*. — (46.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Report be now received.

Mr. *Hartman* reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time on Thursday next.

(494)

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz: —

Bill, intituled, "An Act to vest a certain allowance for Road in the Township of *Hamilton*, County of *Northumberland*, in *John Wade* and *Benjamin Seymour*:"

Bill, intituled, "An Act to incorporate the Town of *Owen Sound*, in the County of *Grey*:" And also,

The Legislative Council have passed the Bill, intituled, "An Act to amend the Act authorizing Disinterments in certain cases in *Lower Canada*," with several Amendments, to which they desire the concurrence of this House: And also,

The Legislative Council have agreed to the Address of this House to His Excellency the Governor General, praying that His Excellency will be pleased to transmit the Joint Address of both Houses to Her Most Gracious Majesty the Queen, expressive of their humble Thanks to Her Majesty, and to Her August Ally, the Emperor of the *French*, for the very valuable Donation of Books and Maps with which Their Majesties have been pleased to enrich the *Canadian* Parliamentary Library, in such a manner as His Excellency may see fit, in order that the same may be laid at the foot of the Throne, by filling up the blank with the words "Legislative Council and:" And Also,

The Legislative Council acquaint this House, That His Excellency the Governor General has appointed To-morrow, At Eleven o'clock in the forenoon, to be attended with the Joint Addresses of both Houses to Her Most Gracious Majesty, and His Excellency the Governor General praying that His Excellency will be pleased to transmit the Joint Address of both Houses to Her Most Gracious Majesty the Queen, expressive of their humble Thanks to Her Majesty, and to Her August Ally, the Emperor of the *French*, for the very valuable Donation of Books and Maps with which Their Majesties have been pleased to enrich the *Canadian* Parliamentary Library, in such a manner as His Excellency may see fit, in order that the same may be laid at the foot of the Throne; and that the Legislative Council have ordered that the Honorable The Speaker, and the Honorable Mr. *Hamilton*, be in attendance at the time, on the part of the Legislative Council: And also,

The Legislative Council doth give leave to the Honorable *Adam Fergusson*, one of their Members, to attend before the Special Committee of this House appointed to inquire and report as to the truth of certain charges preferred against Mr. *George Brown*, a Member of this House, to be examined before the said Committee, as desired in the Message of this House of Friday the 2nd instant, if he thinks fit.

And then he withdrew.⁵

On motion of the Honorable Mr. *Cameron*, seconded by Mr. *Laberge*,
Ordered, That the Honorable The Speaker, and Mr. *Taché*, do attend His Excellency the Governor General on behalf of this House, To-morrow, at Eleven o'clock in the forenoon, to present the Joint Address of both Houses to Her Majesty, on the subject of the Library of Parliament.

MR. LARWILL said he had a motion to submit to the House, and as it was so near six o'clock he would not detain them with any preface. He would move, seconded by Mr. Murney that the joyful intelligence of the decision of the Rectory suit in the Court of Chancery — being in favor of the Rectory Patents, having been just received — the House do adjourn until to-morrow, in commemoration of the triumph of religious rights over fanatical might.⁶ (Great laughter.)⁷ The House had adjourned on occasions of less importance to the Province than this, and he hoped that there would be no objection to his motion. They had adjourned upon the news of the fall of Sebastopol. They adjourned upon another occasion when peace was proclaimed, and they had adjourned upon the news of the birth of the Prince of France. As this question which had agitated the Province for so many years is now brought to a close, he could see nothing to justify the House in refusing to adjourn upon this occasion.⁸

MR. SICOTTE the SPEAKER. — Who seconds this motion?⁹

MR. LARWILL. — Mr. Murney does.¹⁰

MR. MURNEY. — I would have liked that the motion had been submitted to me beforehand, that I might have seen the style of language adopted.¹¹ At the same time he would say — ¹²

MR. SICOTTE the SPEAKER. — The hon. gentleman is not at liberty to make any speech. He will either say, he seconds the motion or he does not.¹³

MR. MURNEY. — I cannot second it in its present shape.¹⁴

MR. LARWILL. — Perhaps some other gentleman — no doubt, my friend, Mr. Mackenzie, will. (Laughter.)¹⁵

The motion was consequently sent back to the very hon. mover.¹⁶

It was now 6 o'clock and MR. SICOTTE the SPEAKER left the chair.¹⁷

MR. SICOTTE the SPEAKER having taken the chair shortly before 8 o'clock,¹⁸

DR. CHURCH moved the suspension of the 62nd Rule in so far as relates to the Bill to incorporate the village of Kemptville.¹⁹

(494)

Ordered, That the 62nd Rule of this House be suspended as regards a Bill to incorporate the Village of *Kemptville*.

Ordered, That Mr. *Church* have leave to bring in a Bill to incorporate the Village of *Kemptville*. He accordingly presented the said Bill to the House; and the same was received and read for the first time; and ordered to be read a second time To-morrow.

MR. MACKENZIE moved an Address to His Excellency, for a Return showing every lot or piece of land in Canada, granted, bestowed, sold, or conveyed; and to whom sold or agreed to be sold, conveyed, or agreed to be conveyed; whether of Crown, Clergy, School, or University Lands, Jesuits' Estates, or Lauzon property, from the 30th of August, 1854, up to the 31st of January last; stating to whom such lands were severally sold, or on whom bestowed, and when, and by what authority; the condition of the several sales, together with the monied or other consideration received, or agreed to be received, in each

case; and also, whether any such lands were granted or conveyed, or ordered to be conveyed in liquidation of any claim or claims, with a concise statement, exhibiting the nature of any such claim or claims.²⁰ Mr. Mackenzie ... [said] his object was to ascertain whether any grants had been made for parliamentary or other political services; and whether any and what frauds had been practised in obtaining grants of lands collusively.²¹ There had always been an outcry against jobbing in lands, when that was done under Government with a few councillors. But there was as much jobbing done now as ever; and he²² considered that it was necessary they should know whatever sales were effected, as they used to be. Every governor they had denounced the land-jobbing system. If it were true that land jobbers and favorites had monopolized the best of the lands in the country, it was right they should know who they were. A person from the County of Huron had come to him complaining that a sale of 2,000 acres had been sold to a favorite non-resident, and he petitioned Lord Bury to make investigation into this, but up to this day nothing had been done. So too it was with the Clergy Reserves. When they got into the hands of the Government, land that was worth \$5 and \$6 an acre was sold to favorites at \$1 and \$1½ an acre. He wished to know whether this was true. The hon. gentleman ran over a number of grievances in connexion with the disposal of lands. He declared it was the hardest task for an old man in his way of thinking to be a member of such a House. He would rather that the House were dissolved at once and that they were all sent back to their constituents. He referred to the sales made²³ when three townships were opened up some time ago in the Huron District,²⁴ as stated by the Huron *Signal*, sales made to men who were to do settlement duties, but it turned out that²⁵ about 15,000 acres got into the hands of land-jobbers²⁶ who never intended to do settlement duties, and yet government had passed over this condition of sale.²⁷ A regular, thorough enquiry into these matters was loudly called for, but it would disclose so much that he had no hope of the Government undertaking it, unless this motion were carried.²⁸ There had been a good deal of lands sold for strangely low prices in the North West and Lower Canada.²⁹ He was afraid it would turn out that there had been many cases like the Clarke Gamble claim, and many such jobs as the Pointe Levi job. The Ordnance Lands were getting into the hands of the Province. But it was altogether a mystery what was being done with them. The same information he now required had been given last session in regard to two or three counties. Why should it not be given in regard to the whole? Now, the Government asked another three millions of acres to be given away³⁰ for this North Shore Railroad!³¹ Before this was done, it should be known what they had done with the millions they had already got.³² Lower Canada only yielded £3,000 last year, though £30,000 had been laid out for railroads. Upper Canada, it is true, got £30,000, but then it had paid large sums into the treasury. He wanted that explained. There was an hon. member — one Col. Prince — who had once turned completely round in politics, just as the member for Three Rivers had done. The Crown Lands Commissioner had explained why the latter turned round; and Col. Prince, it appeared, had done so because he got a valuable fishery for a year. He wanted to understand that, and also the failure of the purchasers of Crown Lands in the North West to fulfil settlement duties.³³ It was asserted that the settlement duties had been dispensed with. If this was the case, let the facts be known. He did not like the absentee proprietors, who had nothing but bears and wolves for tenants. He liked much better the squatters, who took their wives and children into the bush, and became real settlers. He could give many instances of gross favoritism, in the disposal of public lands.³⁴ He read from Lord Durham's Report to show that great favoritism had been ... manifested in the disposal of the public lands prior to his time, and he (Mr. Mackenzie) could testify that the most scandalous favoritism had been continued.³⁵ But he scarcely hoped, however long he might speak, to be able to change a single vote.³⁶

MR. AT. GEN. DRUMMOND said that a return of this kind would require a large number of clerks to be employed for several months, and the cost would be beyond anything he could tell at this moment. He believed the object the hon. gentleman had in view, if indeed he had any practical object in view, which was quite problematical, for he said at the outset that the Government would not grant it — was simply to waste the time of the House. He (Mr. Drummond) trusted that the House would support him in opposing this motion. The Government were prepared at any time to bring down a

return of any particular matter, in connexion with any particular part of the country where it is supposed a wrong or an act of injustice had been done by any of the agents of the Government towards any person or class of persons. He believed that no government had shown more desire to afford every possible information than the present Government. He felt reluctant to refuse any species [sic] of information to this House; but he had a double duty to perform. It was his duty to prevent the waste of public money by the innumerable addresses which were called for by that hon. gentleman, and which he believed that hon. gentleman never read; but in calling for which he occupies an immense time of the House — by repeating the same speeches he had made in years past. If the hon. gentleman had any practical object in view, that object could be met by the enforcement of the rule in carrying out Mr. Galt's motion, which provided that in future the Commission[er] of Crown Lands would be obliged to lay before this House at its openings [an annual report] of all the land sold.³⁷ It was absurd to ask for a return of every lot sold of the public lands, which were limitless in extent.³⁸ He should object therefore to the motion and, he felt confident the House would sustain him in resisting a motion of this kind, a motion which would entail great expense and would not be read by any one after it was brought down.³⁹

MR. MACKENZIE said the whole return from public lands in Lower Canada last year was £3,000⁴⁰ [OR] £3,600. Surely it was a misapplication of terms to call that limitless.⁴¹

The motion was put and lost⁴².

(495)

Mr. Mackenzie moved, seconded by Mr. Aikins, and the Question being put, That an humble Address be presented to His Excellency the Governor General, praying His Excellency will be pleased to cause to be laid before this House, a Return or Returns shewing every lot or piece of land in Canada granted, bestowed, sold, or conveyed; and to whom sold or agreed to be sold, conveyed, or agreed to be conveyed; whether of Crown, Clergy, School, or University Lands, Jesuits' Estates, or Lauzon property, from the 30th of August, 1854, up to the 31st of January last; stating to whom such lands were severally sold, or on whom bestowed, and when, and by what authority; with the conditions of the several sales, together with the monied or other consideration received, or agreed to be received, in each case; and also, whether any such lands were granted or conveyed, or ordered to be conveyed in liquidation of any claim or claims, with a concise statement, exhibiting the nature of each or every such claim or claims; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Aikins, Brown, Darche, Jean B.E. Dorion, Foley, Frazer, Hartman, Jackson, Jobin, Mackenzie, Merritt, Papin, Rolph, Scatcherd, and Valois. — (15.)

NAYS.

Messieurs Alleyn, Bell, Biggar, Bowes, Brodeur, Bureau, Cameron, Cartier, Casault, Chabot, Chapais, Church, Clarke, Conger, Cook, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Holson, Huot, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Lumsden, Roderick McDonald, McCann, Matheson, Mattice, Meagher, Angus Morrison, Murney, O'Farrell, Patrick, Poulin, Powell, Prévost, Price, Rankin, Roblin, Solicitor General Ross, Sanborn, Shaw, Somerville, Spence, Taché, Thibaudeau, Turcotte, Whitney, and Yeilding. — (60.)

So it passed in the Negative.

Mr. Bowes brought up and laid on the table, the Petition of Henry Wheeler and others, of the Township of Woodhouse, County of Norfolk.

MR. BOWES moved that the petition of Henry Wheeler and others, of the township of Woodhouse, county of Norfolk, which, with the permission of the House, he had just presented, praying that the Bill to incorporate the Woodstock and Lake Erie Railway and Harbour Company be not passed, be referred to the Railway Committee. The hon. gentleman said his reason for this motion was because the committee intended to take up that Bill to-mor[r]ow, and it was necessary that petition should be before them.⁴³

MR. MATHESON objected to the reception of the petition.⁴⁴

MR. FOLEY would object to the reception of the petition and its immediate reference to the railway committee without knowing what that petition contained. The petition might contain something derogatory to this House.⁴⁵

DR. CLARKE had read the petition and did not think that there was any thing in it that was derogatory to the Aouse [sic].⁴⁶

MR. PAPIN said it would be better that the parties should appear before the committee and ask them to postpone the consideration of that Bill.⁴⁷

MR. MATHESON moved that the petition be read.⁴⁸

The petition was accordingly read and referred.⁴⁹

(495)

Ordered, That the said Petition be now received and read, and the Rules of this House suspended as regards the same.

And the same was received and read; praying that the Bill to amend the Act incorporating the *Woodstock* and Lake *Erie* Railway and Harbour Company may not become Law, and that they may be heard by Counsel, at the Bar of the House, against the said Bill.

Ordered, That the said Petition be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

MR. JOBIN moved the house into Committee of the Whole, to take into consideration the following resolutions to amend an Act, entitled, "An Act to repeal a certain Act and ordinance therein mentioned, relative to the Trinity House of Montreal, and to amend and consolidate the provisions thereof," and to make further provisions concerning Pilots.

1. That of the nine Wardens mentioned in the third section of the Act first above cited, one shall always be a branch Pilot, having practised as such for at least ten years.

2. That the Montreal Pilots' Fund shall no longer be vested in the Master, Deputy Master, and Wardens of the Trinity House of Montreal, &c.

3. That the rates of Pilotage between Quebec and Montreal shall be increased by the sum of two pounds currency to the present rates of pilotage, if such vessel shall exceed three hundred and fifty tons; and so on, that is to say, an additional two pounds currency for every additional hundred tons that such vessel may measure.

4. That whenever the vessel shall be towed by a steamer, the Pilot shall be entitled to two-thirds only of the rates above provided.

5. That any Pilot who shall take less than the rates specified, shall incur a penalty not exceeding _____ currency.

6. That a Pilot once engaged shall be paid.

7. That the Master of each vessel leaving the harbour of Quebec and going up the River St. Lawrence, and the Master of each vessel leaving the harbour of Montreal and going down the said river, shall take on board a branch Pilot.

8. That the Master of every vessel not having a branch Pilot on board shall hoist the Union Jack.

9. That an appeal be granted to any Pilot condemned in any case to pay a penalty exceeding five pounds, and that any Pilot who shall be detained by reason that the vessel is discharging gunpowder, shall receive a compensation of _____.⁵⁰

It was agreed after some discussion that the house go into Committee upon the Resolutions, on Thursday next.⁵¹

(495-496)

On motion of Mr. *Jobin*, seconded by Mr. *Darche*,

Resolved, That this House will, on Thursday next, resolve itself into a Committee of the whole House to take into consideration certain Resolutions to amend an Act intituled, "An Act to repeal a certain Act and Ordinance therein mentioned, relative to the Trinity House of *Montreal*, and to amend and consolidate the provisions thereof," and to make further provisions concerning Pilots.

MR. PAPIN moved an Address to His Excellency, for a list shewing: —

1st. The names of the Returning Officers for the General Election of 1854, who made to the Government the returns required by the 66th Section of the 12 Vict., cap. 27, and who annexed thereto all the necessary vouchers.

2nd. Of the Returning Officers for the said General Election, who made to the Government returns without annexing thereto all the necessary vouchers.

3rd. Those Returning Officers who did not make such Returns.⁵²

MR. AT. GEN. DRUMMOND said the Commissioners were busy at work, but it was quite impossible to give the information at present. He had no objection whatever to the Address.⁵³

(496)

On motion of Mr. *Papin*, seconded by Mr. *Jean Baptiste Eric Dorion*,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Statement containing, 1st. The names of the Returning Officers for the General Election of 1854, who made to the Government the Returns required by the 66th Section of the 12 Vic. cap. 27, and who annexed thereto all the necessary vouchers: 2nd. Of the Returning Officers for the said General Election who made to the Government, Returns without annexing thereto all the necessary vouchers: 3rd. Those Returning Officers who did not make such Returns.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. BROWN moved that it is expedient that a census of the people of Canada be taken on the 12th January, 1857. The hon. gentleman said it would not be necessary to address the House at any length in favor of the motion⁵⁴. He was assured that this was a motion which would commend itself to the approbation of the house. The law at present was, that the census should be taken every ten years; it was taken in 1852, and would not be again until 1862. Now it could not be denied that in a country changing its relations so rapidly as this that ten years was much too long a space to elapse without a census being taken. The population of Upper Canada doubles in less than ten years, and it was desirable for many important considerations that the census should be more frequently taken. It was desirable that other countries should be aware of the progress of the Province in population, commerce, wealth, and all the industrial arts established in the country.⁵⁵ And in order to arrange our own affairs, it was desirable we should have an accurate knowledge in the increase of our population. There were many obvious reasons why a census should be taken earlier than in 1862. It was a well known fact that the population of Upper Canada is much larger than Lower Canada. (Hear, hear.) There was no question of that fact.⁵⁶ At the last census it was 62,000 greater, and on the same ratio of increase that prevailed before it was taken, the superiority of Upper Canada must have been vastly augmented since then. It was absolutely necessary that in the discussion of those vitally important questions now before the country, the relative strength of the population of the two sections should be accurately known; and this could only be done by taking the census. He trusted that no objection would be made to his motion, based upon considerations of the expense attendant upon his proposal. The cost of taking the last census was something over £16,000; and surely the expenditure of such a sum would be warranted in view of the great benefits to be obtained. It was difficult to conceive what tangible argument could be brought to bear against this motion.⁵⁷ In old countries a census is taken every 10 years; but in a country changing so rapidly it was desirable to have a census taken oftener than every 10 years.⁵⁸ With these remarks he would place his resolution in

the Speaker's hands. He would wait to hear what hon. members might state in opposition to the motion. If it was carried he would move the house into Committee of the Whole⁵⁹ upon an address to His Excellency to take this subject into consideration, and ask us to provide ways and means for carrying it out.⁶⁰

MR. AT. GEN. J.A. MACDONALD opposed the motion⁶¹. [He] would remind the hon. member for Lambton, who was in such an exceeding great hurry to have another census taken, that but a few years had elapsed since the Province had been put to the expense of taking the census. He would also remind that hon. gentleman that the principle of taking a decennial census had been affirmed by the House, as the best and most reliable mode of ascertaining the progress of the country. That system had been adopted in England and the States, and had been found the most convenient and satisfactory; and such a result would, and, in fact, did, follow the working of the principle in this Province, as by it sufficient time was allowed for taking a fair average of the increased population, it afforded a fair mode of testing the permanent growth of the country, and checked the false calculations which might arise from an occasional influx of population into either portion of the Province, or any section thereof. By the decimal [sic] system, they would not only have a fair average of the progress of this country, but would also have an opportunity of comparing, on a reliable basis, our progress with that of the neighboring country.⁶² Considering that the increase of the population in the United States was as rapid as in Canada, and that the influx of foreigners into the former was much more marked than the latter, he did not see any ground for altering the present system while in those respects the two countries stand alike.⁶³ He was therefore of opinion, that unless great injury would be inflicted on any portion of the Province by not hastening the usual decennial period of taking the census, the system ought to be left unaltered. The principle of representation by population had been much discussed in the papers, and such an excitement had been raised on the subject that he feared, that if it were announced that next year or the year afterwards, the census were going to be taken, there would be such a struggle between the two Provinces that the returns would be falsified. If the hon. member for Lambton spoke of taking the census immediately for a political object — such as establishing representation by population or anything of that kind — it would be exceedingly undesirable that the census should be taken with such an object — as it would infallibly be exceedingly incorrect. When it would be for the purpose of showing where the political preponderance lay, there would he believed, be a struggle made by each section of the Province to show an increase of population over the other. And they all knew that similar attempts had been made before now. The growth of qualified electors in some parts of Canada (as represented by the polling-books) had been positively alarming — but were, not unfrequently, only existing in name.⁶⁴ They had already seen the effect of this in certain counties in Lower Canada, where the number of voters exceeded that of the entire population.⁶⁵ Such would be the struggle, if, to-morrow or next day, a census of the Province were to be taken, in order to determine the balance of power.⁶⁶ If the hon. member for Lambton's motion prevailed, it would very much influence the question of Representation by Population. But it might possibly be had with a view to the distribution of the Clergy Reserves money, although he did not think that there was any justification for it upon that ground. There should be a fixed rule for taking the census, with regard to that question of Representation by Population, and it was advisable that the basis of representation should not be altered every few years, for in Upper Canada there were various points which the emigration of the year favoured more than others; but a fixed system was necessary, because the population was constantly fluctuating. He did not think that the census ought to be taken for any political purposes. A decennial census should be taken for higher purposes than to attain a political end, and to have a special census taken now, would cause much excitement, and damage the decennial system,⁶⁷ pronounced to be the best, not only in England and Scotland but also in that House,⁶⁸ and we should have an inaccurate census taken, and the Province be put to great expense thereby. The expense of taking the census of 1852 was £16,840, besides other charges; and why should £20,000, or thereabouts, be thrown away, unless to attain objects of great benefit to the Province? The hon. mover had made out no case for this new method, but was proposing a system very objectionable in its character, and which was not elsewhere adopted. The hon. member was disturbing the system which prevails in England and the United States, and

without accomplishing any good purpose; and he hoped that his motion would not be entertained. If we waited patiently for four or five years, we should have a complete census of the progress in population, wealth, and material improvements of the country.⁶⁹ Under all these circumstances, he trusted the House would not listen to the motion of the hon. member for Lambton.⁷⁰

MR. MURNEY hoped the hon. member for Lambton would withdraw his motion and allow the usual course to be proceeded with.⁷¹ The population of Upper Canada was a great family question, in which they were all interested. It might be that at some future time the member for Lambton might find Upper Canada in a minority. But if Lower Canada should again have a greater population, would he not object to its having a corresponding representation? What would the member for Lambton say then?⁷²

MR. BROWN. — I would submit.⁷³

MR. MURNEY was glad to learn that the member for Lambton was so generous.⁷⁴ He would go with that hon. gentleman for the principle. If Lower Canada has a majority of population, let her have a proportionate number of representatives in our Legislative Chamber; and if Upper Canada contains the majority, then let her be similarly dealt with. But the hon. member for Lambton had other ends in view — he wanted to make an immense amount of political capital out of this question, and he hoped he would be defeated in that object. He believed that Lower Canada had equal strength with Upper Canada. The people of Lower Canada possessed a country, containing all the elements of greatness, and if they only threw their energies into the work, they could not fail of making it great. We (continued the speaker) only ask them to join us — to rival us — to make their country as we are determined to make ours — a great country, and in the course of a very few years they would rival us not only in industry but in point of population; and make the demand for increased representation now made by the hon. member for Lambton. The resources of Lower Canada had never yet been fully developed, and when they had been he had not the slightest doubt, that she would be found equal if not superior to the Upper Province. How then dare that hon. member ask the Government for a census when the regular census was being conducted at this moment.⁷⁵ He (Mr. Murney) thought the law should take its course. He considered the motion was out of order, as it was contrary to law.⁷⁶

MR. HOLTON said it appeared to him that the hon. member for Lambton was reversing the order of things, in proposing to take the census in advance of the regular periods, with a view of making a change in the system of representation. It would, he thought, be time enough to call for such a census, when that hon. member had succeeded in affirming the principle of the new basis of representation by population. And whenever that question came up, he for one, would be prepared to record his vote on the subject. But in advance of the declaration of that principle by the House, he did not think any reason existed for adopting the course pursued by the hon. member for Lambton.⁷⁷

MR. MACKENZIE. — Mr. Speaker, there is yet another reason — What are bachelors to do! (Laughter.)⁷⁸

MR. LARWILL was of opinion that Representation on Population was a magnificent humbug. It could not be fairly carried out without universal suffrage. And what right had man⁷⁹ to disfranchise woman? Lovely? enterprising! petitioning woman! He hoped to see the day when worth and merit would alone give the right to vote⁸⁰ [OR] the only requisite an elector or electress should have was an ability to read and write. At present it was mud, matter and not mind, which qualified an elector. If a census was taken, he desired that colour and complexion should be ascertained, as well as creed. The hon. member then digressed into an attack on the coloured race, asserting that the planters sent their criminel [sic] and lunatic negroes to Canada, where they knew they would be taken care of.⁸¹ That they were a vicious class was evidenced by the Penitentiary returns, from which it appeared that at least one out of every

700 negroes were confined there, whereas not one out of every 7,000 Canadians were sent there.⁸² [OR] There was one of every 700 of the American population of the Province in the Kingston penitentiary — but they were all negroes. On the other hand there was not one in 10,000 of Lower Canadians in the penitentiary.⁸³ Now, in encouraging the settlement in this Province of such a race as these negroes, they did wrong. The hon. gentleman also stated that the number of negroes sent to the Lunatic Asylum was very large, and deprecated keeping black lunatics. Why not put the poll tax on them? Not until these defects were remedied could they expect an equitable system of representation by population.⁸⁴

MR. JACKSON said that as the hon. member for Montreal (Mr. Holton) regarded the motion of the member for Lambton as being out of place inasmuch as the settlement of the basis of representation should be decided upon before the taking of the census was necessary, he (Mr. Jackson) would combine both, by moving in amendment that the words "with a view to the adjustment of the Parliamentary representation," be added to the original motion. In making this amendment he did not assume that the population of Upper Canada was in excess of that of Lower Canada.⁸⁵ There was a growing desire for representation according to population, without respect to one or the other part of the Province. The Attorney General had said on a previous evening that the population of Lower Canada would soon be in excess of that of Upper Canada. Well, he contended for the principle irrespective of Upper or Lower Canada, for he thought all persons were entitled to be fairly represented in the Government.⁸⁶ He contended that the principle was sound, and that no act of the legislature could make a proposition to be a rule of justice which was not substantially so, previously to any legislative enactment; and that the certain consequences of all capricious rules and arbitrary distinctions were opposed to the true interests of the people. The introduction of the principle of representation enunciated in his amendment would also make manifest the absurd and expensive practice of having a duplicate of offices in all the departments without any reference to the amount of work to be performed. If the Union is to be maintained in its usefulness and integrity, boundary lines and sectional legislation must become extinct. (Hear, hear.)⁸⁷ Canadians should feel that they were one people.⁸⁸ He was surprised that the Attorney General had no stronger argument to urge in opposition to the motion of the hon. member for Lambton, than that the existing law provides for a decennial census. There were reasons, and very important ones, why a census should be taken next year. Besides its being necessary in order to adjust the representation, it was equally so as a means of ascertaining the extent of our progress during the last five years, with a view to the application of a wiser general policy than has hitherto obtained in this country. (Hear, hear.)⁸⁹

DR. CLARKE. — I rise to order. I wish to know what Representation by Population has to do with taking the census.⁹⁰

MR. SOL. GEN. D. ROSS asked whether the amendment was in order, the question of Representation by Population having been already decided this session.⁹¹

MR. MURNEY also rose to a question of order. He appealed to the Speaker if the motion then before the House was not out of order, inasmuch as it was a contravention of the existing statutes. (Laughter.)⁹²

MR. SOL. GEN. D. ROSS. — It is out of order, because it has no meaning.⁹³

MR. SICOTTE the SPEAKER ruled the amendment in order. It did not state that the proposed adjustment was to proceed on the basis of population.⁹⁴

MR. BROWN was astonished that the hon. gentleman (Mr. Murney) should ask such a question. (Hear, hear.) His (Mr. Brown's) motion was to amend the statute.⁹⁵ The Attorney General West had laid down the proposition that it was not advisable to make a change in the representation often. He agreed with the hon. gentleman, that after they got their constitutional system fairly organized, when

public affairs had got into a settled condition, then every ten years might be a fitting period for adjusting the representation of the people in Parliament. But he apprehended they had not yet reached that stage. The hon. gentleman talked of five years being a very short interval; but was there not a census taken in 1848, another in 1850, and another in 1852? Were they unreasonable then, in asking that one should be taken in 1857, when five years had elapsed? The Attorney General East stated a few nights ago that the last census was not taken properly. If there was truth in that statement, it was so much the more desirable that it should be taken again.⁹⁶

MR. AT. GEN. J.A. MACDONALD said that in the States they only took it once in ten years.⁹⁷

[MR. BROWN said] the hon. gentleman was entirely mistaken. The Federal Government, it was true, took it only once in ten years; but most of the States took it every five years, and some of them every year. It was a singular fact that the whole opposition to his motion rested on the desire to resist Representation by Population. There was no concealment about the object of his motion. Its object was that justice might be done to Upper Canada, that it might be known exactly how they stood in relation to Lower Canada, and those great questions, now agitated throughout the country, could be equitably settled. And they had seen in all similar previous occasions,⁹⁸ that those who opposed justice to Upper Canada most vehemently were not from Lower Canada, but the men, like the Postmaster General, from Upper Canada who sought to make political capital by the adoption of such a course.⁹⁹ (Hear, hear.) Upper Canadians had always been found to stand up the first and the loudest in opposition to equal representation — just as the Attorney General West had done to-night. (Hear, hear.) In the frequent efforts which had been made for justice to Upper Canada, in the distribution of the public money, in representation and in everything else, they were constantly met by the argument — “How do you know that you are so much greater in population than Lower Canada? Look at the last census. You had then only an excess of 62,000. Perhaps you have retrograded since. Perhaps Lower Canada is now, or may be soon superior in population.” He desired to meet those who took that ground, and with that view proposed his present motion. And how do they meet it? Why, they shift their position, and tell us — “Oh, decide your Representation by Population question first, and then you may have a census.” It was simply because the representatives of Upper Canada were untrue to the interests of their constituents, and for political considerations were willing to put such motions as this aside; — for petty party objects, they were willing that Upper Canada should occupy the degraded position of having only an equal number of representatives, with a population 300,000 greater than that of Lower Canada.¹⁰⁰

MR. DUFRESNE. — It is not so.¹⁰¹

MR. BROWN said there could be no doubt that the figure he had stated was correct, assuming that the population of the respective sections had gone on at the same ratio of increase as between 1836 and 1852. But if the figures were disputed, why not bring them to the test, by having a census? (Hear, hear.)¹⁰²

MR. COM. CR. LANDS CAUCHON. — Would you have a census every six months, and spend £20,000 on it each time?¹⁰³

MR. BROWN said it was all very well for hon. gentlemen on the Treasury Benches, who thought they could keep their power by holding on to the present arrangement, to talk in that style, but he ventured to say the people of Upper Canada would not submit to anything of the kind. (Hear, hear.) Not only was it seen that injustice was done them, if they looked to population; but it was a fact which he had proved on a former occasion, that they were contributing more than three fourths of the whole revenue, while greatly more than half of it went to Lower Canada. (Hear, hear.) — He would not so much object to this, provided the people of Upper Canada stood man for man in a position of equality with Lower Canada. But to say they should stand in an inferior position — that five men in Upper

Canada should have no more influence than four men in Lower Canada, while they paid £3 for Lower Canada's £1, and Lower Canada drew from the chest far more than they did — was a state of things they could not submit to.¹⁰⁴

MR. DUFRESNE. — It is the arrangement you made yourselves.¹⁰⁵

MR. BROWN believed that, so far as the people of Upper Canada were concerned, they were not in favour of the Union, at the time it was formed. But it was absurd to go back upon a bargain made many years ago. What was the population then? Were the same people existing now? Then the population was under a million; now it is two millions and a half. What proportion did the people alive then form of the population now? Surely a bargain made for an existing state of things was not to continue forever, but only so long as it was equitable for both parties.¹⁰⁶

A member. — You had better dissolve the Union!¹⁰⁷

MR. BROWN said the results of a census would furnish one means of ascertaining whether they ought to dissolve the Union or not, as it was only in that way they could ascertain what progress the two sections were relatively making in population, in commerce, in manufactures, in agriculture, and all industrial pursuits. And, even were they to determine to dissolve, it would be necessary to have these returns before they could judge of the terms on which the dissolution should be effected. There were other reasons too which made it extremely desirable that a census should be taken. There were some counties which had increased vastly in population, since the last Representation Bill was passed, and were even very large even at that time. There were for example the United Counties represented by the Inspector General, the County of Grey, the County of Peel, the County of Norfolk, some of which had increased at a rate more than double that of some other counties. He believed that in Huron and Bruce, there was now a population equal to that of four other constituencies, each of which sent a representative to this house, and no doubt Grey was very much in the same position. Was it right that the people of those counties should be kept in that position of inferiority for six years longer, or rather for eight years longer, as it would take some time, before the results of the Census could be applied to Representation? The rapid changes at present passing over the country evidently necessitated the taking of the census oftener than every ten years. (Hear, hear.) The Attorney General West had given one of the strangest reasons for opposing this motion, that could possibly be conceived of. He said it would be a struggle between the census takers of Upper and Lower Canada, which would falsify the most. Did the hon. gentleman think of the libel he was casting on his country, when he made the statement? (Hear, hear.) As Attorney General, it would be his duty to select the proper persons to take the census in Upper Canada. Did he mean to say that those he would select, would be persons who would wilfully falsify the returns they received¹⁰⁸ under oath? He (Mr. B.) believed neither the people of Upper Canada nor of Lower Canada were so base as to give Commissioners false information.¹⁰⁹ The hon. gentleman said a proposal of this kind was not statesmanlike. But he considered that, if the present [sic] Government were to pronounce anything statesmanlike, it would be a great condemnation of it. They had not been so much accustomed to see statesmanlike measures proceeding from the Government, to give much weight to their denunciation of any scheme on that ground. Could the Government fancy for a moment that they could keep back the information sought in the motion for six or eight years longer, when the population of Upper Canada would probably be more than double that of Lower Canada, and Upper Canadians would be paying 90 per cent of the whole revenue of the country? The Attorney General said that this motion was made for mere political ends, and that the taking of a census should proceed on altogether different considerations. Did he mean to say that it was an unworthy political end that the representation of the country should be put on a fair basis? Was not that the foundation of all good Government? Unless the people were fairly represented, it was impossible to secure tranquility. If one half of the Legislature represented a much larger population than the other half, could it be expected that legislation would be at all in accordance with justice or with the wishes of the people? The hon. gentleman said that if it were

proposed to take the census, with a view to the proper division of the Clergy Reserves, then he could see some reason for it. He would grant a census for the distribution of a sum of money, but for the adjustment of the great question of Representation, on which all other political questions hinged, on which depended the liberty of the people, and the progress they might make in science, in art, in manufactures, and in social amelioration, — for that he would not grant a census! He would grant one that a few thousand pounds might be properly distributed, but not with a view to a matter that affected the whole legislation of the country. (Hear, hear.)¹¹⁰ That was a statesman-like view of the matter.¹¹¹ The Government had succeeded, this session, in preventing a deliberate vote being taken on the question of Representation by Population. The result, when it was moved in amendment to the Speech from the Throne, could not of course be considered as a deliberate decision of the house, because it was mixed up with the question of confidence in the Administration, in such a manner that it was difficult to obtain the true sense of the house on the main issue. The whole resistance to the principle that had been made by the friends of Government, out of doors at least, had been this — that we could not tell how much we have progressed over Lower Canada. There was no Upper Canadian member who had dared to take any other ground in opposition to Representation by Population, than this: — “We have not progressed much yet, according to the last census; when we see that we have progressed a little more, let us have it, but not till then.” And now they were brought to book, by a plan which would show precisely how much we have progressed, and the Government [sic] are prepared to vote it down, although there is not an Upper Canadian member of the Government who does not feel that it is a right and proper thing to have a census taken long before 1862! Their only defence was that they could not make it a Cabinet measure, because the Lower Canadian members would not permit them.¹¹² Two members of the cabinet, at least, had formerly declared their opinion in favor of representation by population. It was a matter of simple justice to the people of Upper Canada, that one man in that portion of the province should be held equal to one in Lower Canada.¹¹³ It would be seen tonight how far the members from Upper Canada are prepared to sustain the Government in their position, that there shall be no redress for the injustice to which Upper Canada is subjected, until 1862. That was the light in which the country would look at the vote now to be given; and he trusted the members from Upper Canada would, in a body, take that course which in justice to their constituents they were bound to follow. — (Hear, hear.)¹¹⁴

MR. MURNEY said he had spoken before, under a misapprehension of what the law was. He now found that it provided for a census being taken only once in ten years and not once in five, and that being the case, he should support the motion of the hon. member for Lambton.¹¹⁵

MR. POST. GEN. SPENCE said the house could not have failed to notice a very great difference in the tone of the remarks of the hon. member for Lambton, when he first rose to submit his own motion, and when he rose to speak to the amendment of the hon. member for Grey. In his first speech with very great calmness of manner, and apparent sincerity, the member for Lambton expressed his strong desire that there should be a census taken for the mere purpose of ascertaining the marvellous advance which had taken place in every thing connected with this great country. It was due to Canada, the member for Lambton said, that England and the United States should have evidence afforded them of the great advance we had made in population and everything else.¹¹⁶ Now it occurred to him (Mr. Spence) that the hon. member for Lambton had not been candid with the House in making that statement — that his true reasons for urging his present motion were altogether of a different nature — and that he had other views in pressing his motion than the mere desire of setting forth a statistical statement of the mere growth of Canada. And he believed one of the objects had in contemplation by that hon. gentleman, was to stir up strife in the Province, by dragging before the notice of that House and the country his darling scheme of representation by population. (Hear, hear.) On more than three or four several occasions during the present session, had the principle of representation by population been distinctly brought up in that House and thoroughly discussed; and as often had the House distinctly and unmistakably rejected it. But besides these three or four distinct motions on the subject, which had been brought up

and discussed by the House, it had been brought up in almost every conceivable shape,¹¹⁷ every other week at least, if not every week since the house was in session..., and he perceived that the hon. member's motive, in the motion before the house, was simply to keep alive a subject of agitation, for the purpose of manufacturing political capital. (Oh! oh!) The member for Lambton cared not for these statistical facts. He had no more desire to have justice done to Upper Candaa [sic] than any other member of this house. (Oh! oh!)¹¹⁸

MR. BROWN asked the Speaker, if it was right that a member of the Government should be allowed to assail the motives of a member of the house in that style.¹¹⁹

MR. SICOTTE the SPEAKER intimated that he did not consider that the remarks of the Postmaster General called for his interference.¹²⁰

MR. POST. GEN. SPENCE went on to attack the member for Lambton, accusing him of stirring up agitation on the question of representation, even at the risk of bringing about a dissolution of the union.¹²¹ [He] proceeded to contrast the opinion now advocated by the hon. member for Lambton with the opinions he championed in 1850 and 1851, and learned in the Baldwin and Lafontaine school. At that period the hon. member's views on this subject were, at all events, reasonable. He denounced a sectional or local policy, and advocated a broad, national scheme of equal rights and equal interests. Such a scheme as could alone make Canada a great and united country. That hon. member then said, and he (Mr. Spence) would quote the exact words — "That mere theorists might talk about representation by population, but sensible men would cease fretting and talking that way and reconcile themselvrs [sic] to a cond[i]tion of things they could not avoid." If not the exact words, he believed this quotation expressed the exact sentiments of the hon. member for Lambton at that period.¹²²

MR. BROWN. — No.¹²³

[MR. POST. GEN. SPENCE continued:] He thought there were members who could confirm his position, — confirm his assertion with regard to the general views formerly expressed by the member for Lambton.¹²⁴ The member for Lambton had said it would do very well to get a census taken every ten years, after our constitutional system was fixed. What system did the hon. member want to obtain, through a change in representation or any other change? What new views did he entertain?¹²⁵ The hon. member had supported Responsible Government¹²⁶ [and] had been steadily opposed to a dissolution of the union. He believed he had slightly modified his opinions in reference to that matter, and he had shadowed forth his determination to effect that great and disastrous change, if he should not be able to succeed in his peculiar views in regard to representation. He was surprised that a Reformer of 14 years' standing, should talk about our constitutional system being unstable, and that it was necessary on that account to have a census.¹²⁷ There had been no more noisy declaimer against the frequent changes in the institutions of the country; yet he says now, if they were settled, he would not care about the Union. In what way were they unsettled?¹²⁸ The hon. member spoke as if the country was in the same position now, as it was 20 years ago, with the Clergy Reserve question unsettled, the municipal system unformed, without a proper system of assessment, with bad jury laws, with all those sources of trouble and discord which existed in this country 15 or 18 years ago. What grievance was there which had not been manufactured by the member for Lambton himself? That gentleman had got some extraordinary ideas about justice to Upper Canada, and about a man in Upper Canada being as good as a man in Lower Canada. — Who denied that? But the fact was, that the hon. member played on the credulity of the people of Upper Canada, and tried to make them believe that they were subject to some grievance. But he could assure members from Lower Canada, that the whole agitation was confined to the hon. member for Lambton himself. (Oh! oh!) That hon. member created an appetite for the marvellous, and kept it up by an article opening up something new day after day.¹²⁹ In a recent number of a paper published in this city, he found a statement which struck him as a most extraordinary one to emanate from a statesman — ¹³⁰

MR. SICOTTE the SPEAKER. — It is not parliamentary to accuse any hon. member of being the author of an article in a public print.¹³¹

MR. POST. GEN. SPENCE bowed to the decision of the chair. He would merely say that he saw a statement in a city newspaper a few days ago, to the effect that the people of Upper Canada were subservient to those of Lower Canada; and that the Frenchmen of Lower Canada were sunk in ignorance and sloth.¹³² Mr. Spence then read an extract, which he said he took from the *Globe*, commencing — “Yeomen of Upper Canada, when you simply demand to be placed on an equality, man for man, nothing more, with the Frenchmen of Lower Canada, sunk in ignorance and sloth, as they are, mark how this insolent organist, fattening on the spoils of office, scouts your just demands.” (Hear, hear.) Such language was a libel on the people of Lower Canada. And it was a poor compliment to the intelligence of the people of Upper Canada, to be continually dinning in their ears, that they had not political equality with the Lower Canadians. Such a thing was insulting to Upper Canadians. (Hear, hear.)¹³³ Now, he would ask, was that the way to preserve the Union? And where was the proof of that assertion? Is there anything in the character of the legislation of this country which shows, that anything which Upper Canada desires she does not obtain? Is there anything to show that the people of Upper Canada do not enjoy their full share of the privileges natural to every resident in this Province?¹³⁴ It would not do for some people who lived in agitation to allow the country to have peace; but the country desired that, and not agitation, especially such agitation as would, like this, lead to a dissolution of the Union.¹³⁵ The fact was patent to every man, woman, and child, that, if the member for Lambton and those who acted with him, would only let the Union work on harmoniously, they would have such prosperity here as could not be found in any other country on the face of the globe. But, notwithstanding all these incendiary articles and speeches, the people were working on harmoniously and contentedly. In his own constituency, a proposition was made in the Town Council to forward a petition for Representation by Population to the member for Lambton. But in that Radical constituency, only two members could be found to support it. He hoped the people generally would denounce the author of the foul libel on the people of Lower Canada, that they were sunk in sloth and ignorance. Were they not the descendants of one of the bravest and most intelligent and high-minded peoples on the face of the earth?¹³⁶ Instead of stigmatizing them in firebrand articles intended to imperil the Union of these Provinces, we ought to shield them if it were necessary¹³⁷. But it was unnecessary. They were well able to defend themselves. In their legislation, in their social system, in their manufactures and in their commerce, in their love of liberty and law and order, in their peaceful habits, they were equal to Upper Canadians, and equal to any people on the face of the earth.¹³⁸

Cheers from the Lower Canadians.¹³⁹

[MR. POST. GEN. SPENCE continued:] He pronounced it a foul libel on them to say that they were sunk in sloth and ignorance.¹⁴⁰ All that is necessary to perpetuate this union which has now lasted 15 years, and which has conferred on us the greatest benefits, is to carry ourselves towards them as fellow subjects, and to abandon this system of firebrand writing and speaking.¹⁴¹ He (Mr. Spence) went for the maintenance of the Union as the foundation of our future greatness. Canada had greatly progressed since the Union, since 1836 or 1837, when a Governor likened Upper Canada to a girdled tree. There were not then so many manufactures in the whole country as could be found now in a single municipality containing but 10,000 inhabitants. Why should they do anything to impair this Union, which they would effectually do, if they kept on asking whether a man in Upper Canada was not as good as a man in Lower Canada. Of course he was. But it appeared by the census that there were only 60,000 of difference between the population of the two sections, which would give Upper Canada two more members. Should they make war with each other on account of that disparity?¹⁴² Would it be becoming in the people of Upper Canada to turn round and charge the people of Lower Canada with being sunk in sloth and ignorance, and claim a superiority of representation, while we enjoyed from 1841 to 1852 an equality

of representation, although Upper Canada had only half the population of Lower Canada at the time of the union.¹⁴³ Who could tell whether, before another census was taken, there might not be such a tide of population into the Eastern Townships, the valley of the St. Maurice, and the valley of the Ottawa, as to give Lower Canada an excess of population of 60,000. He had taken considerable trouble to make himself acquainted with Lower Canada, and he was quite sure that Lower Canada would eventually become the seat of a dense manufacturing population, just as the eastern portion of the American Union was more populous than the western portions, which were more highly favoured in an agricultural point of view. But if population was to be made the basis of representation, how would the principle work, even as among Upper Canadians themselves? The central line of Upper Canada would run through Lennox and Addington. The population to the east of that centre line, was 178,000 — the population to the west of it, 780,000. How would his hon. friend from the east like Representation by Population, which would give them only 11 members, while the western half of Upper Canada would have 54 representatives.¹⁴⁴ How would the rear Townships like this system applied to the Municipalities. What voice would they have then in the affairs of their Municipalities.¹⁴⁵ Could they possibly take population as the only correct guide to representation. Were they to ignore intelligence, territorial extent, commerce, trade, manufactures, everything but the number of individuals, no matter whether they were east or west of the line between Upper and Lower Canada. There was an entire absence of argument in favour of the motion by the member for Lambton. If the city of London had Representation by Population it would have more members than the whole of Scotland. If Ireland had it, it would have a third as many members as England, instead of a fifth.¹⁴⁶ The principle had never been recognised in the appointment of the representatives between the three kingdoms.¹⁴⁷ What would be the state of things if the southern population of Ireland were to demand of the hardy inhabitants of Ulster, Representation by Population, and if those Presbyterians of the north were to cry out about the ignorance and sloth of the inhabitants of the south. Could harmony long remain if that were done. He could tell the house what the people of Upper Canada desired. They desired peace and a subsidence of agitation.¹⁴⁸ The great question which had agitated Upper Canada had been removed. They had sent the remedy for the last up to the Upper House, in the Elective Council Bill, a few nights ago.¹⁴⁹ Upper Canada had now no grievances except such as were manufactured by the hon. member for Lambton. (Oh! oh!)¹⁵⁰

MR. SCATCHERD. — Such as the North Shore Railroad. (Hear, hear.)¹⁵¹

MR. POST. GEN. SPENCE continued that there was not a single grievance in Upper Canada that was above three years old.¹⁵² Up to 1852, he [Mr. Brown] had advocated all those measures which received the support of the Lower Canadians, and he had said in plain words that to the people of Lower Canada we owe all those measures which have made this country great. — Yet within this short time the member for Lambton had discovered several new grievances, and among others this of representation by population, which he urged now in consequence of his having made the discovery that Upper Canada has within three years obtained an excess of 60,000¹⁵³. The hon. member for Lambton forgot that Lower Canada, for a long time, had a much greater population than Upper Canada, with only an equal representation. At the time of the Union, Upper Canada had a population of 400,000, while Lower Canada had a population of nearly a million. (Oh! oh!)¹⁵⁴

MR. BROWN. — You make the difference only about three times what it really was. You make the difference 600,000, instead of 170,000.¹⁵⁵

MR. POST. GEN. SPENCE admitted he might be somewhat in error, and proceeded to urge Upper Canada members to vote down the motion. Upper Canada, he said, had always received ample justice from Lower Canadians, and they should extend justice to the Lower Canadians in return. To say that they would swamp the Lower Canadians, by creating additional Upper Canada votes, would be unworthy of them as Upper Canadians, unworthy of them as legislators, unworthy of them as living under that

constitution which they had the happiness to enjoy, and which would continue to stand, so long as the spirit of liberty existed in the country.¹⁵⁶

Cheers and clapping of hands by a portion of the Lower Canadian members.¹⁵⁷

MR. PATRICK said it was certainly a little amusing to listen to the indignation and horror expressed by the Postmaster General, at the idea of an agitation being got up in the country, because he holds a position in the Cabinet. But if ever there was a time when there was dissatisfaction in Upper Canada — that time is the present — and the hon. Postmaster General must be quite as well aware of it as any one in the House for that dissatisfaction has resulted in consequence of the course which he and his colleagues have thought fit to pursue. He thought the reasoning of the hon. member, with regard to population in reference to England, Ireland, and Scotland was most fallacious, for if his remarks were correct Ireland should have the same number of representatives as England, and Scotland should have as many representatives as either of them. (No, no.) If there is any force at all in the Postmaster General's remarks, they go to say that representation should be equal in these three countries. He supported the principle that representation should be by population, and if Lower Canada was less in population than Upper Canada it was not entitled to the same number of representatives. It is necessary that all doubt should be removed in reference to the relative position of affairs — all they asked was that they might have a fair opportunity of ascertaining what is the real position of this question. If Lower Canada has as great a population as Upper Canada let them remain as they were. The hon. member for Montreal ... [Mr. Holton] although he was seldom wide of the mark in anything he said, was certainly, to use a homely phrase, placing the cart before the horse in his remarks. He says, we should first affirm the principle of representation by population and then cause the census to be taken. But we want a census taken to ascertain the fact as it stands, and if [it] is shown that Lower Canada has a population equal to that of Upper Canada, there is an end to the question. Although to take this census would certainly cost a large sum of money, he considered that money would be well spent in ascertaining what was the population of the Provinces, and holding these views, he would most cheerfully support the motion.¹⁵⁸

MR. STEVENSON asked, if there was a census every year, was there to be a new Representation apportioned? Three years ago, the representation of the country was apportioned.¹⁵⁹ This was the first House that had been held under that act.¹⁶⁰ The member for Lambton supported the Bill providing for that. He could not have dreamed then of changing it so soon.¹⁶¹ It had not been made clear to his [Mr. Stevenson's] mind that there was such a striking increase as to demand any change in the representation, and therefore a census at the present time was unnecessary.¹⁶²

MR. CONGER said the motion of the hon. member for Lambton was similar to one which he had placed upon the notice paper, and therefore he would explain why he supported it. He believed he was as anxious to obtain representation by population as the hon. member for Lambton, or any body else; but he would deny that he wished to obtain this for the purpose of gaining any advantage over his Lower Canada brethren. He believed the principle [sic] was as just to Lower Canada as to Upper Canada. It might be true, and he believed it was, that we have a larger population in Upper Canada than in Lower Canada. But he believed that Lower Canada was destined to become quite a different country from Upper Canada. He thought from their genius and their habits they were destined to become a manufacturing people, and knowing that in all manufacturing countries, the population rapidly becomes more dense, than in agricultural countries, he thought that Lower Canada had as little to fear as Upper Canada from an adjustment of the representation. The natural resources of their country is greater than that of Upper Canada, and if Government take any steps to encourage manufactures there, as he trusted they would do, Lower Canada might soon have a much larger population than Upper Canada. At all events, he would contend that the principle was a correct one, and he hoped to see it applied. He did not believe in the inferiority of the races which had so often been alluded to. Our Lower Canada friends are entitled

to the same consideration as ourselves, and unless there would be a very great difference in our population, he should be sorry indeed to interfere with existing arrangements¹⁶³, as Lower Canada for a considerable time had had only an equal representation for a larger population¹⁶⁴; but if the difference was great, the principle should be introduced. It was only fair and equitable that it should be so, and he hoped to see it introduced in the construction of this branch of the Legislature, although he did not desire to see it acted on in regard to the Upper House. He did not wish to detain the House by any remarks, but having given notice of a similar motion, he wished to state his reasons for supporting the motion now before the House.¹⁶⁵

MR. TURCOTTE spoke in French, against the motion of the hon. member for Lambton¹⁶⁶. [He] said it was refreshing to hear an Upper Canada member dare to say there were men in Lower Canada, spite of the clamor of those who denounced them as sunk in ignorance and sloth, and the saying of the high personage which declared them to belong to an inferior race. But it was less satisfaction to hear the members for Lambton and Haldimand treat them as robbers and bigots. Was not Upper Canada bankrupt when she joined the Lower Province? Had she not prospered because of the fresh credit thus acquired?¹⁶⁷ Lower Canada was forced into the Union by Lord Sydenham against her own wishes. The object now was to crush the national feeling of Lower Canadians.¹⁶⁸ The people of Lower Canada were day by day subjected to all sorts of insults. Was that the way to preserve any chances of the maintenance of the union? The people of Lower Canada never liked this principle. It was only when the people of Lower Canada had been disfranchised by violence at the polls, and only ten French Canadians allowed to be returned to represent them¹⁶⁹ in the first House of Assembly of the united Provinces¹⁷⁰ — it was only then that they demanded representation by population. Later, indeed, some politician raised a cry for it, but the people did not second it; they did not demand it. The member for Lambton demanded an entire fusion of the people of the two portions of the Province, but how? By crushing out the language, the habits, and the religion of Lower Canada. Before submitting to that, they would dissolve the union. Their influence was complained of in the House. They had influence because they were united, and the hon. member for Lambton might find that in another general election the people of Lower Canada would be still more united — that the distinction of Rouge and Blue would be obliterated and they would act together as one man.¹⁷¹

MR. WILSON said the hon. gentleman who had just sat down, had characterized Upper Canada as poor and wretched, and needy, before the Union, and that Union relieved us. He denied both these propositions.¹⁷² Upper Canada was not bankrupt at the time of the union; she was not even, as the Post Master General said, poor and weak and miserable; she had no very large debt and had always paid the interest upon it.¹⁷³ Everybody knew that before the Union all import duties were paid at Montreal, and that no cargo of goods could be carried unbroken beyond Montreal. All the duties were thus levied in the Lower Province, although it was known that these goods were not intended for Lower Canada, and that the duties of right belonged to Upper Canada. It was because Upper Canada did not get her fair share of these duties that her resources were deficient. But the hon. gentleman overlooks this important fact that Upper Canada incurred these very debts that made her *poor* and *needy*, with a view to make a communication between Upper and Lower Canada. No one would deny that; but would deny that Upper Canada was bankrupt at the Union. And had Lower Canada borne her just proportion of these sums expended upon those public works, the liability would have been much less than it was. But Lower Canada spent her money in judicial expenses and other things which Upper Canada always paid with local taxes. It ill became Lower Canada to speak in that strain at all, because, now that trade has come into its proper channels, there was comparatively little collected in Lower Canada. They were told the trade of the country was falling away, but it was not the trade of the Province; it was only the trade of the St. Lawrence, and therefore it did not become the hon. gentleman to taunt Upper Canada with being bankrupt at the Union; much less did it become the Postmaster General to taunt us with being poor and

needy.¹⁷⁴ The hon. member for Maskinonge (Mr. Turcotte,) had said that the Union was forced upon Lower Canada against her will by Lord Sydenham¹⁷⁵; why did they object to it? Because their population exceeded that of Upper Canada.¹⁷⁶

MR. TURCOTTE said that complaint was made only after the first elections, which were carried with fire and bloodshed.¹⁷⁷

MR. WILSON. — Could there be a stronger argument in favor of Upper Canada now.¹⁷⁸ What Upper Canada wanted, was to be represented according to population.¹⁷⁹ But the Postmaster General tells us that this system does not obtain in England or in Ireland and Scotland. But has it not been clamored for there? But we were entirely differently situated. There are no poor people here, we are almost an agricultural people, and he saw no good reason why representation by population should [not] be granted in this country. If there was a country on the face of the globe where that principle should be granted it was this country, because the status of the people throughout the country is the same. It was objected that this census should not be granted, because there was no great difference between the Provinces. He would never think of making any change if the difference was only one or two thousands, but if there was a difference of 10,000 or 20,000 there would be some reason for asking a change. We simply want to know the true position of affairs. The taking [of] the census is not a creation of a new electoral district. If the difference was little it would be very ungenerous to complain, but he wanted to establish a principle. He had not the pleasure of hearing what was said by the Postmaster General. He came in when that gentleman was telling the House that this country only wanted peace, and he said it would have peace if there were fewer firebrands in the country. It was very odd how people's minds change when they get upon the Treasury benches. They seem to forget all they said before. The hon. gentleman seems to forget the Halton platform of 1851. That platform contained a great many questions to which it was understood the hon. gentleman gave his adhesion. There was the Clergy Reserves — and the Postmaster General says the Government has carried out that measure; but how had they done it. (Order, order.)¹⁸⁰

MR. POWELL. — The hon. gentleman is rather leaving his senses (census), Mr. Speaker.¹⁸¹

MR. WILSON. — There was the abolition of the Rectories; but he says nothing about that now, there was also the abolition of the Court of Chancery, but there was nothing said about that either now, and then there was representation based upon population, and vote by ballot. (Hear, hear). No sectarian education — what does that mean? Is that not one of the brands which the hon. member for Lambton has taken up. But who came to this House to disturb it with that brand? Was it not the gentleman that now cries peace, peace. But he would tell that gentleman emphatically — there is no peace to the wicked¹⁸². (Laughter.)¹⁸³ And he would tell him there never was such a wicked government before as we have now. (Hear, hear.) When the Postmaster General and his colleagues took office, they took it into their heads that their salary was too small, and although the gentlemen had all shouted for retrenchment — (order, order,) — well, he would only say that retrenchment was one of those brands that gentlemen wielded, and yet they gave themselves £1250 a year notwithstanding all their cry of retrenchment. The Postmaster General accuses the member for Lambton of working upon the credulity of the people; but he was just following in the wake of the Postmaster General, because if this platform be true, and if it be true that that gentleman gave his adhesion to it, it is equally true that he advocated principles while in opposition, which he is not prepared to carry out, and of all the hon. members of this House the Postmaster General ought never to have said a word about that point. No statesman should advocate while in opposition principles which he is not prepared to carry out if the opportunity should be given him, and in this he thought the member for Lambton sometimes was wrong. The Postmaster General asked how the people of Upper Canada would like an imaginary line drawn through the Upper Province. They would like it, because with all the credulity which he attributes to them, he was sure they would object to

nothing that would do equal justice to the whole people. He did not care where they drew their imaginary line, what he wanted was a principle that would do justice equally to both Provinces, and to this he was sure the people would submit. He was sorry he did not hear all that the hon. gentleman had said, but if ever there was a tirade of absurdity and inconsistency uttered, it was that speech of the Postmaster General; and he was sure his constituents would pronounce that judgment upon it. The people of Upper Canada would hear with astonishment the declaration of the Postmaster General regarding their poverty and their need — and the great relief they got when they were admitted to equal terms with a people so superior in intelligence and so much before them in trade and commerce.¹⁸⁴

MR. POST. GEN. SPENCE said when he spoke of ignoring the intelligence and the wealth of the people, he was speaking of representation by population. He considered there was another ground that required to be here noticed — ¹⁸⁵

MR. WILSON, after some few remarks, said there was no doubt the Postmaster General's constituents would understand what he said, and they would see how it compared with the platform of 1851 which he now repudiated.¹⁸⁶

MR. CAMERON was sorry that such a subject could not be discussed without saying on the one hand that the people of Lower Canada were sunk in sloth and ignorance, or on the other, that before the Union the people of Upper Canada were poor and needy, and in a state of bankruptcy, and were glad to be united to the more flourishing Province of Lower Canada. He hardly thought that a principal [sic] of this kind could be fairly argued if, instead of coming to a question upon the grounds upon which it should be discussed, they were merely to bandy words with each other, and to call each other names. The Province of Upper Canada at the time of the Union had only a small debt, the interest on which was regularly paid, and the debt had been incurred to effect great public works. They had since incurred large debts as the Province of United Canada, and their finances had been thereby seriously embarrassed.¹⁸⁷ The proposal to base representation on population was a just one, but he would do the Post Master General the justice to say he was faithfully carrying out the views formerly held by his party. In the years 50 and 51, when the party to which he (Mr. C.) belonged, tried to get representation based upon population, the party to which the Post Master General belonged voted it down, using the same arguments as he had used. He thought now there was a greater necessity for change than then, but it was agreed by the opponents of the measure from Lower Canada that the difference was not so great as stated. Then let us have a census and ascertain the fact.¹⁸⁸ It was said that the Union must be considered as federal; but at the same time local questions in Upper Canada were decided by Lower Canadian majorities; and *vice versa*. Representation in the United Kingdom was of a mixed character, neither federal [n]or based upon population.¹⁸⁹ That union is not based on the supposition that an equal number of representatives should be sent from England and from Ireland. The representation is not hard on that principle at all. The legislation in the Imperial Parliament is local and distinct in its reference to England, Ireland and Scotland, and it is in this Province. Yet while there is no doubt that the representation, when such a large number of representations were struck off from Ireland and Scotland, was not based on Representation by Population, but on the adjustment that was then made, that adjustment has since been broken away from, and the representation of Manchester, and the representation of Birmingham are based singly on population. Those large manufacturing towns which formerly were unrepresented have now obtained representation on that principle; and what is this union to prevent the application to this country of the proposition contained in the amendment for which he intended to vote? Not that he would vote for that amendment merely for the purpose of having the census taken. Not that he would vote for it if it were not to produce some practical effect. Nor would he say that if the census did not show one section of the Province to have a large majority of population over the other section, would he propose that the representation should be changed. But no man would say — members from Lower Canada would not say that if Upper Canada were shown to have a large preponderance [sic], reaching

500,000, or if it reached to nearly a million, that the number of Representations should remain as they have without change. It cannot be said that the members for Lower Canada had never raised this question of increased representation, for they had raised that question, and contended that they were entitled to a larger representation in Parliament, on account of their having an excess of population. Nor can it be said that if the population of Lower Canada was increasing as fast as it is said the population of Upper Canada is increasing, we should not hear that argument raised by members from Lower Canada, who would then contend that they were entitled to an increase of representation in proportion to their population. It is quite clear that this argument which is now raised in favour of Upper Canada would be argued with equal force if it could be used in favor of Lower Canada. Hon. gentlemen, and the Postmaster General more especially seemed to apprehend that the use of arguments in favor of representation by population, and the agitation in favor of it would lead to a dissolution of the Union: but he could not conceive that any real danger was to be apprehended. In his opin[i]on the people of this country cannot be prevented from expressing their views on this question simply by stigmatizing it as a subject of political agitation. It may be all right and fair enough to assert that it is nothing else; but the difficulty is that there are persons in Upper Canada who believe that Upper Canada is entitled to an increase of representation, who believe that the increase of population over that of Lower Canada is such as to warrant the claim for an increase of representation, and that representation can only fairly be based on population, and that any attempt to stifle that agitation will only cause it to blaze more firercely [sic]. If members desire to put an end to that agitation, the true way is to shew that the causes which have led to it are unfounded, to meet it with argument, to take the cases, and establish the fact that that agitation rests on no solid grounds.¹⁹⁰ If there was any doubt as to what the population is of Upper or Lower Canada, that showed how necessary the present motion was, and let it be taken in order to see whether representation can be adjusted upon any other basis than it now stands upon. He had a better opinion of the people of the Eastern and Western sections of the Province, than to believe that, for any purpose, they would be willing to falsify the statements of the correct population of counties, and to return from either section a larger amount of population than they possessed.¹⁹¹ [OR] He has a better opinion of the people, both of the Eastern and the Western sections of the Province, than to believe that they would find any demand for a change in the representation, simply upon what is said within the walls of Parliament if it were not supported by facts. They look for these facts; and the best way to put an end to that agitation which the Postmaster General deprecates, and which every sensible person must deprecate, is to furnish them with those facts¹⁹², to ascertain by the census proposed the exact position of both sections as to population¹⁹³; and for that reason, and because he cannot believe that it will do any injury, but will rather set the agitation at rest — to test the question, he would vote for the amendment of the member for Grey.¹⁹⁴

MR. FOLEY replied to some of the arguments of the hon. member for Toronto (Mr. Cameron), and said that the hon. member, in attempting to turn the tables upon the Reformers of Upper Canada, and to take credit for Conservatives of Upper Canada for having always been in favour of representation by population, had not drawn proper deductions.¹⁹⁵ The circumstances of the country at that time were very different. The reform party denied them [the right] to adjust the representation of Upper Canada upon population. At that time great anomalies existed in the representation, and the reformers felt the difficulty which surmounted the question, because of the difficulties which the Union Act threw around the question, so that the Conservatives actually would have denied to Upper Canada that which they professed to desire for the whole Province. It was not the fact that Upper Canada reformers had always opposed representation by population.¹⁹⁶

MR. ROBLIN was rather surprised at the conduct of the hon. member for Grenville (Mr. Patrick). Last session, the same question had been brought up, and that gentleman voted against it. Again, Mr. Mackenzie had brought up the question, and the hon. gentleman voted against it, and he could not see what ground there was for his changing his opinion upon this subject. He thought the question was

not of that importance which was claimed for it. Hon. members were there to legislate for United Canada, and he deprecated the continual allusions made to Upper and Lower Canada. He would not say that the time might not come when he would vote for this principle, but he thought it inexpedient to do so now, and would, therefore, vote against the motion.¹⁹⁷

MR. MARCHILDON followed, denouncing the motion in fierce terms.¹⁹⁸ [He] would be glad to see the Union dissolved.¹⁹⁹

MR. RANKIN deprecated the mode in which this motion was usually treated. It was too much the custom to treat the Union as something that had not worked well. But if the matter was enquired into, it would be found that the gentlemen who were continually talking thus were themselves the cause of the difficulties which existed in the working of the Union. All persons were agreed that in the abstract [the principle of] representation by population was a correct one. It would be hazardous to the reputation of any man to question this. He approved the amendment of the member for Grey.²⁰⁰ No one would attempt to deny that the present system of representation ... required re-adjustment; and, to his mind, no proposition had ever been laid before any legislative body which should more commend itself to its consideration, than the proposal to base representation upon population.²⁰¹ It was unreasonable that Quebec should have three representatives while Toronto had but two. Again Toronto with 60,000 inhabitants sent two members while London with 10,000, sent one. It was similar with Niagara. These things required adjustment; and although some might urge the necessity of putting off the equalization of the representation in the whole Province, no one could dispute the necessity of an alteration in the cases he had mentioned. He was in favor, however, of representation based upon population; and thought a census should at once be taken with a view to a readjustment of the representation.²⁰²

MR. ROBINSON opposed the taking of a census at present. It would involve great expense and be quite unnecessary. The representation should, doubtless, be based upon population, and as a theory its correctness could not be disputed²⁰³, but he did not see any reason for interfering with the present state of things as regarded that principle.²⁰⁴ They had recently changed the representation, and might wait till the next regular Census.²⁰⁵ If the population of Upper Canada should hereafter become so large as to create a great disproportion, it would be time to take the matter up then.²⁰⁶ He opposed the views taken by the hon. member for Lambton, and said that Upper Canadians did not want that hon. member to come down there with such a measure, and that it was not in accordance with their views. It was the hon. member for Lambton's way to appeal to Upper Canadians in that house, but he (Mr. Robinson) was not at all frightened by such references.²⁰⁷ He regarded Canada as one province, and he hoped that principle would prevade [sic] our Legislation.²⁰⁸

MR. SCATCHERD had failed to hear anything which would show that the motion before the house should not be carried.²⁰⁹ [He] thought the proposal a very reasonable one, and one which the people of the country heartily endorsed.²¹⁰ Wherever he had gone he had found the people alive on this question of Representation by Population without any dividing line between Upper and Lower Canada.²¹¹

MR. BROWN rose²¹² —

Cries from MR. POST. GEN. SPENCE and other gentlemen on the treasury benches of "spoke," "spoke."²¹³

MR. SICOTTE the SPEAKER decided that Mr. Brown had a perfect right to a general reply.²¹⁴

[MR. BROWN] then proceeded to say that the Postmaster General need not be alarmed, that he did not mean to inflict the castigation upon him which the gentleman knew he well deserved, and to

which he was so open. He was quite willing to leave the gentleman in the hands of his constituency, and he only hoped that the speech he had this evening made had been fully reported, and would reach every elector in the county of Wentworth. In that case, he would have enough trouble on his hands without any from him.²¹⁵

MR. POST. GEN. SPENCE. — Hear, hear.²¹⁶

MR. BROWN. — The hon. gentleman might cry hear, hear, but he knew that if he had dared to make such a speech in Wentworth before his constituents, he never would have occupied his present seat in that house. (Hear, hear.) The hon. gentleman had declared that only two gentlemen in the whole corporation of Dundas were in favour of Representation by Population.²¹⁷

MR. POST. GEN. SPENCE contradicted this.²¹⁸

MR. BROWN would appeal to the house if that was not the hon. gentleman's statement. He said that a petition in favour of Representation by Population was proposed in the Council, and only two persons could be got to vote for it — and the deduction was, that all the others were against it. He frankly confessed that he did not believe one word of the statement; it was just about as reliable as the statement of the Postmaster-General, that the population of Lower Canada, at the time of the Union, was one million; while the fact was, that at last census — fifteen years later — it was but 890,000. (Hear, hear.) And the hon. gentleman was just as incorrect in many others of his statements. He had professed to quote words which he pretended to say he (Mr. Brown) had used in a certain newspaper. The hon. gentleman ought to know better than to attribute newspaper articles to any individual. Such conduct was in no way consistent with the views of that profession to which the Postmaster-General formerly belonged. But the hon. gentleman stated that he (Mr. Brown), in 1851, was opposed to the principle of representation according to population. He and others had made this statement forty times, and, for this fortieth time, he now gave it a direct contradiction. He well knew that would not satisfy the Postmaster-General; for the oftener it was contradicted, the more vehemently would he repeat it! The simple fact was, that when the Representation Bill of the Baldwin and Lafontaine Administration was before the house, some members moved to introduce the principle of Representation by Population. He (Mr. Brown) altogether approved of that principle and said so at the time; but Mr. McFarland of Welland and other liberal members, declared that they would not vote for the Bill, unless representation by population were introduced into it. In opposition to this view he (Mr. Brown) contended, that even although representation by population was not introduced, the Bill ought not therefore to be voted down, as it at least adjusted the several constituencies of Upper Canada on a fairer basis than before. In 1852 and 1853, he took precisely the same ground in Parliament. He moved for representation by population, and failing in his attempt, he voted for the Bill. Hon. members would perceive how different were the grounds taken by him in 1850, from those taken now by the Postmaster General and others. At that time the population of the two sections was supposed to be almost equal; but now that of Upper Canada was known to be vastly superior to that of Lower. (Hear, hear.) Then he maintained the principle, and only submitted to it when defeated; but the gentlemen on the Treasury Benches derided the principle and voted for their own degradation. It ill became the Postmaster General of all men in the world, to cast stones at any one about representation by population. Even had he (Mr. B.) been against it formerly, and in favor of it now, would there have been any inconsistency in such a change, when so great a disparity in the population of the two sections had been discovered — and when no personal considerations influenced the change? But how was it with the Postmaster General? The hon. gentleman agitated the country through his paper, and that not many years ago, in favour of the great principle of representation by population — it was one of the foremost planks of his platform — and what was he now doing? Why denying the thing entirely — trampling on his every profession of the past — singing poems to

Lower Canada for the base motive that he might keep his seat on the Treasury benches. (Hear, hear.) And was it not doubly surprising to hear the hon. member for Simcoe (Mr. Robinson) talk about Upper Canadian members wishing to force this system of Representation by Population upon the country? Was not that hon. gentleman for many years one of the foremost advocates [sic] of that very measure? — were not his votes upon it recorded upon the Journals of this house? — and had he not over and over again denounced those who voted against him upon the question? And now, forsooth, because his friends are upon the Treasury benches, he renounces his principles, votes them down, and assails those who were with him years ago, when he went for this identical principle. (Hear, hear.) And just so with the hon. member for Prince Edward; he, too, was once the advocate of this principle — but he was then in opposition — now, he is with the powers that be. It certainly was not in the mouths of such gentlemen as these to denounce those who demanded just representation for Western Canada. The Postmaster General had dared to say that the passage of such a measure was an insult to the Lower Canadians, and an act of injustice to them. It ill became any hon. member from Upper Canada to talk in this way. It was not he (Mr. B.) or his friends who were seeking to do injustice to Lower Canada — they were simply asking to have Upper Canada put upon a par with Lower Canada.²¹⁹ The hon. gentleman [Mr. Spence] had ridiculed the cry that a man in Upper Canada should be equal to a man in Lower Canada. He asked what political evil resulted from the present arrangement of the representation.²²⁰ [He] tells us that the three great questions of Canada have been settled, according to the views of Upper Canadian Reformers. Was the Clergy Reserves question settled according to their views? (Hear, hear.) Would the hon. gentlemen have dared to assert five years ago that the Reformers would be satisfied to hand over as a permanent endowment for two or three favoured churches the vast sum of £500,000? (Hear, hear.) Was the Seigniorial Bill a Reform measure in any just sense — with its half million of dollars extracted from the public chest? And the precious Elective Council Bill was another of the Reform measures! Did the Reformers of Upper Canada ever expect that there would now be an eight years' chamber created, that Representation by Population would be repudiated — and all the old members retained permanently with the new? (Hear, hear.) And was the removal of the Seat of Government down to Quebec, 600 miles away from the centre of civilization — was that a Reform measure of Upper Canada? And this Railway Omnibus, which the Inspector General had endeavoured to force upon them, running the country into £2,000,000 of additional debt, that he (Mr. Cayley) might subserve his own political ends — was that one of the Postmaster's Reform measures of Upper Canada? The hon. gentleman professes to be utterly ignorant that any dissatisfaction exists among the people. He could tell the hon. gentleman he would find out before long, that there are ... was sitting comfortably on the Treasury Benches, — to fancy that there were no grievances, but those as he said which he (Mr. Brown) created. He would learn the contrary before long, and would find that the demands of the people would be made in such a shape that there could be no resisting them. He believed it was the opinion of every member of this House that there never was a time when greater dissatisfaction was experienced in Upper Canada with the government of the country, than there was at this moment. — (Hear, hear.) The member for Maskinonge had declared that Upper Canada was bankrupt at the time of the Union, that Lower Canada relieved Upper Canada from its ruined position, and that but for that relief, we should have been now in a very backward condition. That statement had already been confuted, but there was one fact which had not been mentioned. What was the whole amount of the debt of Upper Canada at the time of the Union? — One million and a quarter. As the member for London had stated, that debt had been incurred in the erection of great public works, as much for the benefit of Lower as of Upper Canada, and these works went into the common stock of the Union. And what of the lands of Upper Canada, which had yielded last year alone nearly £100,000? He should like to know if anything could be more unjust than the accusation which had been brought by the member for Maskinonge. It was true that at that time the credit of the Province was not so high as it ought to have been, but Upper Canada had never been a shilling behind in meeting her engagements. The Postmaster General quoted a statement of a Governor, that Upper Canada was

like "a girdled tree." Nothing could be more unjust. Had her resources been as well known as they ought to have been, her credit would have stood very high. (Hear, hear.) No good argument had been produced against his motion. The whole discussion had shown the absolute necessity of a new census being taken — the very speeches of hon. gentlemen opposite showed the absolute necessity of it. There could not be a better proof, that another system of representation was called for, than the way in which Upper Canada members get up in this house and revel in the position of degradation, which their country holds — lauding the members for Lower Canada, praising them for their liberality and generosity, and constantly lavishing compliments without any just reason for them whatever. (Hear, hear.) He thought it desirable that harsh language should be banished from this house, but how could that be expected if Upper Canada was kept in a position of inferiority? Let them receive justice first, and then they might all make soft speeches as well as the Postmaster General. (Hear, hear.) He hoped the amendment of the member for Grey would be successful.²²¹

Calls being made for a division,²²²

MR. BROWN again rose, and suggested, with the concurrence of Mr. Jackson, that that hon. member's amendment should be incorporated with his (Mr. B.'s) motion. (Cries of no! no!)²²³

The vote was then taken on Mr. Jackson's amendment²²⁴.

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Mr. Brown moved, seconded by Mr. Hartman, and the Question being proposed, That it is expedient that a Census of the People of *Canada* be taken on the 12th of January, 1857;

Mr. Jackson moved in amendment to the Question, seconded by Mr. Biggar, That the words "with a view to the adjustment of the Parliamentary Representation" be added at the end thereof;

And the Question being put, That those words be there added; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Aikins, Bell, Biggar, Brown, Cameron, Church, Conger, Cook, Foley, Frazer, Gamble, Gould, Hartman, Jackson, Lumsden, Mackenzie, Matheson, Murney, Patrick, Powell, Rankin, Rolph, Scatcherd, Wilson, and Wright. — (25.)

NAYS.

Messieurs Alleyn, Brodeur, Bureau, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Clarke, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, Dionne, Jean B.E. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Octave C. Fortier, Fournier, Gill, Guévremont, Huot, Labelle, Laberge, Laporte, LeBoutillier, Lemieux, Attorney General Macdonald, Roderick McDonald, McCann, Marchildon, Masson, Mattice, Meagher, Joseph C. Morrison, Angus Morrison, O'Farrell, Papin, Polette, Poulin, Prévost, Price, Robinson, Roblin, Solicitor General Ross, Shaw, Spence, Stevenson, Taché, Thibaudeau, Turcotte, Valois, Whitney, and Yeilding. — (59.)

So it passed in the Negative.

Then the main Question being put, That it is expedient that a Census of the People of *Canada* be taken on the 12th of January, 1857; the House divided: and the names being called for, they were taken down, as follow: —

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YEAS.

Messieurs Aikins, Bell, Biggar, Brown, Chisholm, Church, Conger, Foley, Frazer, Gould, Hartman, Jackson, Lumsden, Mackenzie, Patrick, Rankin, Rolph, Scatcherd, Wilson, and Wright. — (20.)

NAYS.

Messieurs Alleyn, Brodeur, Bureau, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Clarke, Cook, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, Dionne, Jean B.E. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Holton, Huot, Labelle, Laberge, Laporte, LeBoutillier, Lemieux, Attorney General Macdonald, Roderick McDonald, McCann, Marchildon, Masson, Matheson,

Mattice, Meagher, Joseph C. Morrison, Angus Morrison, Murney, O'Farrell, Papin, Polette, Poulin, Powell, Prévost, Price, Robinson, Roblin, Solicitor General Ross, Shaw, Spence, Stevenson, Taché, Thibaudeau, Turcotte, Valois, Whitney, and Yeilding. — (65.)

So it passed in the Negative.

Then, on motion of the Honorable Mr. Attorney General *Drummond*, seconded by Mr. *Chisholm*,

The House adjourned.²²⁵

Appendix

[MOTION FOR A COMMITTEE RE: PETITION OF W.W. SMITH.]

MR. FERRES moved to refer the petition of W.W. Smith, to a committee to consist of Messrs. Felton, C. Daoust, Turcotte, Rhodes, and the mover. Mr. Smith's petition prayed the House to take some copies of the engraving of the sitting of the Seigniorial Tenure Court, which has just been published, in order to defray the expense of getting up this engraving of such a great event.²²⁶

[The motion was] carried.²²⁷

[POSTPONED MOTION RE: DECIMAL CURRENCY.]

MR. MACKENZIE moved that after the 31st January, 1857, there shall be but one currency or money of account of which the dollar shall be the highest and principal unit; and the Public Accounts shall be kept in dollars, cents and mills, and that the coinage be equal in intrinsic value to that of the United States.²²⁸

MR. AT. GEN. DRUMMOND requested that the motion be postponed until the hon. Inspector General was in his place.²²⁹

Footnotes

1. *Globe*, 13 May 1856.
2. *Globe*, 13 May 1856, reports that "a good deal of discussion arose, on the same points as were discussed last week on the Montreal Bank Bill." *Hamilton Spectator Semi-Weekly*, 17 May 1856, likewise reports that "the same objections were taken to it that were formerly taken to the Montreal Bank bill. It was finally decided to consider all the Bank Bills on Thursday next."
3. *Toronto Daily Leader*, 13 May 1856.
4. *Globe*, 13 May 1856.
5. According to *Toronto Daily Leader*, 13 May 1856, this message was delivered while the House was in Committee of the Whole on the Union Bank Bill.
6. *Toronto Daily Leader*, 13 May 1856. This debate is inserted at this point of the proceedings in accordance with the sequence of motions reported in this newspaper. *Telegraph (Montreal Gazette)*, 13 May 1856, also reports that this occurred "just before the 6 o'clock adjournment".
7. *Globe*, 13 May 1856.

8. *Toronto Daily Leader*, 13 May 1856.
9. *Globe*, 13 May 1856.
10. *Ibid.*
11. *Ibid.*
12. *Toronto Daily Leader*, 13 May 1856.
13. *Ibid.*
14. *Globe*, 13 May 1856.
15. *Ibid.*
16. *Toronto Daily Leader*, 13 May 1856.
17. *Ibid.*
18. *Toronto Daily Leader*, 14 May 1856.
19. *Ibid.*
20. *Globe*, 13 May 1856.
21. *Hamilton Spectator Semi-Weekly*, 17 May 1856.
22. *Montreal Gazette*, 14 May 1856.
23. *Toronto Daily Leader*, 14 May 1856.
24. *Globe*, 13 May 1856.
25. *Toronto Daily Leader*, 14 May 1856.
26. *Globe*, 13 May 1856.
27. *Toronto Daily Leader*, 14 May 1856.
28. *Globe*, 13 May 1856.
29. *Montreal Gazette*, 14 May 1856.
30. *Globe*, 13 May 1856.
31. *Montreal Gazette*, 14 May 1856.
32. *Globe*, 13 May 1856.
33. *Montreal Gazette*, 14 May 1856.
34. *Globe*, 13 May 1856.
35. *Toronto Daily Leader*, 14 May 1856.
36. *Globe*, 13 May 1856.
37. *Toronto Daily Leader*, 14 May 1856.
38. *Globe*, 13 May 1856.
39. *Toronto Daily Leader*, 14 May 1856.
40. *Globe*, 13 May 1856.
41. *Mackenzie's Weekly Message*, 16 May 1856.
42. *Toronto Daily Leader*, 14 May 1856.
43. *Ibid.*
44. *Ibid.*
45. *Ibid.*
46. *Ibid.*
47. *Ibid.*
48. *Ibid.*
49. *Ibid.*
50. *Globe*, 13 May 1856.
51. *Ibid.*
52. *Toronto Daily Leader*, 14 May 1856.
53. *Ibid.*
54. *Ibid.*
55. *Globe*, 13 May 1856.
56. *Toronto Daily Leader*, 14 May 1856.
57. *Globe*, 13 May 1856.
58. *Toronto Daily Leader*, 14 May 1856.
59. *Globe*, 13 May 1856.
60. *Toronto Daily Leader*, 14 May 1856.
61. *Globe*, 13 May 1856.
62. *Toronto Daily Leader*, 14 May 1856.
63. *Globe*, 13 May 1856.
64. *Toronto Daily Leader*, 14 May 1856.

65. *Globe*, 13 May 1856.
66. *Toronto Daily Leader*, 14 May 1856.
67. *Globe*, 13 May 1856.
68. *Toronto Daily Leader*, 14 May 1856.
69. *Globe*, 13 May 1856.
70. *Toronto Daily Leader*, 14 May 1856.
71. *Ibid.*
72. *Globe*, 13 May 1856.
73. *Ibid.*
74. *Ibid.*
75. *Toronto Daily Leader*, 14 May 1856.
76. *Globe*, 13 May 1856.
77. *Toronto Daily Leader*, 14 May 1856.
78. *Ibid.*
79. *Globe*, 13 May 1856.
80. *Montreal Gazette*, 14 May 1856.
81. *Globe*, 13 May 1856.
82. *Toronto Daily Leader*, 14 May 1856.
83. *Montreal Gazette*, 14 May 1856.
84. *Toronto Daily Leader*, 14 May 1856.
85. *Ibid.*
86. *Montreal Gazette*, 14 May 1856.
87. *Toronto Daily Leader*, 14 May 1856.
88. *Globe*, 13 May 1856.
89. *Toronto Daily Leader*, 14 May 1856.
90. *Globe*, 13 May 1856.
91. *Ibid.*
92. *Toronto Daily Leader*, 14 May 1856.
93. *Ibid.*
94. *Ibid.*
95. *Ibid.*
96. *Globe*, 13 May 1856.
97. *Montreal Gazette*, 14 May 1856. According to the report of *Globe*, 13 May 1856, Mr. J.A. Macdonald did not speak here. It was rather Mr. Brown who said that "the Attorney General West told the house that in the United States the census was taken only once in ten years."
98. *Globe*, 13 May 1856.
99. *Montreal Gazette*, 14 May 1856.
100. *Globe*, 13 May 1856.
101. *Ibid.*
102. *Ibid.*
103. *Ibid.*
104. *Ibid.*
105. *Ibid.*
106. *Ibid.*
107. *Toronto Daily Leader*, 14 May 1856.
108. *Globe*, 13 May 1856.
109. *Montreal Gazette*, 14 May 1856.
110. *Globe*, 13 May 1856.
111. *Montreal Gazette*, 14 May 1856.
112. *Globe*, 13 May 1856.
113. *Montreal Gazette*, 14 May 1856.
114. *Globe*, 13 May 1856.
115. *Ibid.*
116. *Globe*, 14 May 1856.
117. *Toronto Daily Leader*, 14 May 1856.
118. *Globe*, 14 May 1856.
119. *Ibid.*

120. *Globe*, 14 May 1856.
121. *Ibid.*
122. *Toronto Daily Leader*, 14 May 1856.
123. *Montreal Gazette*, 14 May 1856.
124. *Ibid.*
125. *Globe*, 14 May 1856.
126. *Montreal Gazette*, 14 May 1856.
127. *Globe*, 14 May 1856.
128. *Montreal Gazette*, 14 May 1856.
129. *Globe*, 14 May 1856.
130. *Toronto Daily Leader*, 14 May 1856.
131. *Ibid.*
132. *Ibid.*
133. *Globe*, 14 May 1856.
134. *Toronto Daily Leader*, 14 May 1856.
135. *Montreal Gazette*, 14 May 1856.
136. *Globe*, 14 May 1856.
137. *Toronto Daily Leader*, 14 May 1856.
138. *Morning Chronicle*, 17 May 1856.
139. *Globe*, 14 May 1856.
140. *Ibid.*
141. *Toronto Daily Leader*, 14 May 1856.
142. *Globe*, 14 May 1856.
143. *Toronto Daily Leader*, 14 May 1856.
144. *Globe*, 14 May 1856.
145. *Montreal Gazette*, 14 May 1856.
146. *Globe*, 14 May 1856.
147. *Montreal Gazette*, 14 May 1856.
148. *Globe*, 14 May 1856.
149. *Montreal Gazette*, 14 May 1856.
150. *Globe*, 14 May 1856.
151. *Ibid.*
152. *Ibid.*
153. *Toronto Daily Leader*, 14 May 1856.
154. *Globe*, 14 May 1856.
155. *Ibid.*
156. *Ibid.*
157. *Globe*, 14 May 1856. *Toronto Daily Leader*, 13 May 1856, in a commentary, also notes that Mr. Spence "was loudly applauded by the Lower Canadian members when he resumed his seat."
158. *Toronto Daily Leader*, 14 May 1856.
159. *Globe*, 13 May 1856.
160. *Montreal Gazette*, 14 May 1856.
161. *Globe*, 13 May 1856.
162. *Toronto Daily Leader*, 15 May 1856.
163. *Ibid.*
164. *Globe*, 13 May 1856.
165. *Toronto Daily Leader*, 15 May 1856.
166. *Globe*, 13 May 1856.
167. *Montreal Gazette*, 14 May 1856.
168. *Hamilton Spectator Semi-Weekly*, 17 May 1856.
169. *Montreal Gazette*, 14 May 1856.
170. *Toronto Daily Leader*, 15 May 1856.
171. *Montreal Gazette*, 14 May 1856.
172. *Toronto Daily Leader*, 15 May 1856.
173. *Montreal Gazette*, 14 May 1856.
174. *Toronto Daily Leader*, 15 May 1856.
175. *Globe*, 13 May 1856.

176. *Toronto Daily Leader*, 15 May 1856.
177. *Ibid.*
178. *Ibid.*
179. *Globe*, 13 May 1856.
180. *Toronto Daily Leader*, 15 May 1856.
181. *Ibid.*
182. *Ibid.*
183. *Globe*, 13 May 1856.
184. *Toronto Daily Leader*, 15 May 1856.
185. *Ibid.*
186. *Ibid.*
187. *Ibid.*
188. *Montreal Gazette*, 14 May 1856.
189. *Hamilton Spectator Semi-Weekly*, 17 May 1856.
190. *Toronto Daily Leader*, 15 May 1856.
191. *Globe*, 13 May 1856.
192. *Toronto Daily Leader*, 15 May 1856.
193. *Globe*, 13 May 1856.
194. *Toronto Daily Leader*, 15 May 1856.
195. *Globe*, 13 May 1856.
196. *Toronto Daily Leader*, 15 May 1856.
197. *Globe*, 13 May 1856.
198. *Montreal Gazette*, 14 May 1856.
199. *Hamilton Spectator Semi-Weekly*, 17 May 1856.
200. *Toronto Daily Leader*, 15 May 1856.
201. *Globe*, 13 May 1856.
202. *Toronto Daily Leader*, 15 May 1856.
203. *Ibid.*
204. *Globe*, 13 May 1856.
205. *Montreal Gazette*, 14 May 1856.
206. *Hamilton Spectator Semi-Weekly*, 17 May 1856.
207. *Globe*, 13 May 1856.
208. *Toronto Daily Leader*, 15 May 1856.
209. *Globe*, 13 May 1856.
210. *Toronto Daily Leader*, 15 May 1856.
211. *Globe*, 13 May 1856.
212. *Globe*, 14 May 1856.
213. *Ibid.*
214. *Ibid.*
215. *Ibid.*
216. *Ibid.*
217. *Ibid.*
218. *Ibid.*
219. *Ibid.*
220. *Montreal Gazette*, 14 May 1856.
221. *Globe*, 14 May 1856. The ellipsis represents illegible words.
222. *Globe*, 14 May 1856.
223. *Globe*, 14 May 1856. In a commentary, *Globe*, 13 May 1856, gives the following information regarding Mr. Brown's motion and Mr. Jackson's amendment: "Fearing that the Speaker might rule out the motion if it mentioned the subject of voting by population, it was arranged that Mr. Jackson should move an amendment to Mr. Brown's motion for a census, adding 'with a view to adjusting the basis of representation.' Mr. Brown desired to join the amendment to the resolution, but the ministry objected, and the amendment was put separately." *Hamilton Spectator Semi-Weekly*, 17 May 1856, also in a commentary, reports a similar analysis, as follows: "[Mr. Brown] attempted on Monday evening to carry out in another way the threat he uttered after the rejection of his motion for a change in the representation, by moving for a new census to be taken next year. It was an artful dodge for the purpose of reviving his favorite hobby, as the honorable gentleman knew well enough that such a question would naturally give rise to a discussion on the subject which the proposed census was intended to enforce upon the public mind. The folly and extravagance of such a proposition was fully exposed, and

it therefore became necessary to shew the real object of the motion. Mr. Jackson accordingly moved in amendment to add the words, 'with a view to the adjustment of the Parliamentary representation.' This sudden convert to the views of the Opposition came opportunely to the rescue of Mr. Brown, and the amendment was greedily seized upon. — Mr. Brown made immediate overtures to Mr. Jackson, and wished to incorporate the amendment with his motion. The collusion is admitted by the *Globe*, as it was expected that the motion would be ruled out if special reference were made in it to representation by population."

- 224. *Globe*, 14 May 1856. In its commentary on this debate, *Globe*, 13 May 1856, reports that "the debate was lively and spirited..., and the vote was not taken till half-past twelve o'clock." *Toronto Daily Leader*, 14 May 1856, and *Western Planet*, 19 May 1856, also report a commentary on the debate.
- 225. According to *Toronto Daily Leader*, 13 May 1856, the House adjourned at "ten minutes to one o'clock".
- 226. *Toronto Daily Leader*, 13 May 1856.
- 227. *Ibid.*
- 228. *Toronto Daily Leader*, 14 May 1856. According to this newspaper, this occurred after Mr. Bowes' motion regarding the petition of Henry Wheeler and others, discussed on pages 1954-1955.
- 229. *Toronto Daily Leader*, 14 May 1856.

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MR. SPEAKER reported to the House, That His Excellency the Governor General had been attended with the Joint Address of both Houses to Her Majesty and to His Excellency, on the subject of the *Canadian* Parliamentary Library; and that His Excellency had been pleased to say, that he would transmit the Addresses to Her Majesty, to the Secretary of State for the Colonies, that the same may be laid at the foot of the Throne.

The following Petitions were severally brought up, and laid on the table: —

By Mr. *Thibaudeau*, — The Petition of *Joseph Verrette* and others, of *St. Alban*.

By Mr. *Jean Baptiste Eric Dorion*, — The Petition of *J. Godet* and others, of *St. Edouard de Gentilly*; and the Petition of *C. Préfontaine* and others, of the Parish of *St. Marc*, County of *Verchères*.

By Mr. *Charles Daoust*, — The Petition of *François Leduc* and others, of *St. Clément*.

By Mr. *Hartman*, — The Petition of *John Wells* and others, of the Township of *King*.

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By Mr. *Dionne*, — The Petition of *Hilaire Michaud* and others, of *Notre Dame du Portage*, County of *Temiscouata*; the Petition of *Henry Maureant* and others, of *Notre Dame du Portage*, County of *Temiscouata*; the Petition of *G.H. Beaulieu* and others, of the Parish of *St. Alexandre*; the Petition of the Municipality of the Parish of *Rivière du Loup*, County of *Temiscouata*; the Petition of the Municipality of the Parish of *Trois Pistoles*; the Petition of the Municipality of the Parish of *St. Arsène de Kakouna*; the Petition of the Parish of *St. George de Kakouna*; the Petition of the Municipal Council of the County of *Temiscouata*; the Petition of the Reverend *T. Aubert de Gaspé* and others, of the Parish of *St. Eloi*, County of *Temiscouata*; and the Petition of the Municipality of the Village of *Fraserville*.

By Mr. *Taché*, — The Petition of *Jean Larivée* and others, of the Parish of *Ste. Luce*, County of *Rimouski*; the Petition of the Municipality of the Parish of *Ste. Luce*, County of *Rimouski*; and the Petition of the Municipality of the Parish of *St. Germain de Rimouski*.

By Mr. *Foley*, — The Petition of the Municipal Council of the Town of *Simcoe*.

By the Honorable Mr. Attorney General *Drummond*, — The Petition of the *Hamilton* Board of Trade; and the Petition of the Municipality of the Township of *Woodhouse*.

By the Honorable Mr. *Cauchon*, — The Petition of *W.H. Lemoine* and others, of *St. Ferréol* and other Parishes, of *La Côte Beaupré*.

By Mr. *Galt*, — The Petition of the Reverend *L. Doolittle* and others, Members of Universities in *Lower Canada*.

By Mr. *Valois*, — The Petition of *Jean Desjardins* and others, of the Parish of *St. Joseph de la Rivière des Prairies*.

By Mr. *Brown*, — Two Petitions of *William Barber* and others, of the Township of *Arran*.

Mr. *Hartman*, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Sixteenth Report of the said Committee; which was read, as followeth: —

Your Committee have examined the following Bills, and have agreed to report the same, without amendment, viz.: —

Bill for the construction of Water Works in the City of *Hamilton*.

Bill to amend the Act to incorporate the *Quebec* and *St. Francis* Mining and Exploring Company.

Bill to vest a certain Road allowance in the Township of *Stamford*, in the County of *Welland*, in the Municipality of that Township.

And also, the Bill to incorporate the Town of *Clifton*, with certain amendments, which they submit for the consideration of Your Honorable House.

Your Committee, in view of the importance of much of the evidence taken before them, in its bearing upon the Bills referred to them from time to time, are of opinion, that it is most

desirable to empower the Standing Committee on Miscellaneous Private Bills, appointed every Session, to take evidence upon oath, as is now the case with the Election Committees of the Legislative Assembly, and all Committees on Private Bills in the House of Commons; they, therefore, beg leave to recommend that a Bill be introduced for this purpose, and passed during the present Session.

Ordered, That the Bill to amend the Act to incorporate the *Quebec* and *St. Francis* Mining and Exploring Company, be read the third time To-morrow.

Ordered, That the Bill for the construction of Water Works in the City of *Hamilton*, be read the third time To-morrow.

(499)

Ordered, That the Bill to incorporate the Town of *Clifton*, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Stevenson* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

Ordered, That the Bill to vest a certain Road allowance in the Township of *Stamford*, in the County of *Welland*, in the Municipality of that Township, be read the third time To-morrow.

Ordered, That the Bill to incorporate the Village of *Ashburnham*, in the County of *Peterborough*, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

[On motion of] MR. CONGER¹,

(499)

Resolved, That this House will immediately resolve itself into the said Committee.
The House accordingly resolved itself into the said Committee;

DR. CLARKE took the chair of the committee.²

A short discussion ensued³.

MR. S. SMITH, seconded by MR. MERRITT, moved that the committee rise.⁴

The motion was carried by a large majority.⁵

(499)

and after some time spent therein, Mr. Speaker resumed the Chair.

The Honorable Mr. *Morrison*, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Ninth Report of the said Committee; which was read, as followeth: —

Your Committee have had under their consideration the expediency of procuring a Map of the Province, to be laid down upon a large scale, in sections, shewing the various lines of Railways completed or chartered, as a guide for future legislation in regard to Railways, and they have ascertained that a Map of this description (a specimen of which has been exhibited to Your Committee) can be completed in five sections, for the sum of One hundred and fifty pounds: they therefore recommend that they be empowered to authorize such a Map to be prepared upon the terms above mentioned to be commenced forthwith and completed before next Session.

Resolved, That this House doth concur with the Committee in the said Report.

The Honorable Mr. *Cartier*, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General, — Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 5th instant, praying His Excellency

to cause to be laid before the House, a Return of the Amounts due in each year since the sale of the Government Roads, the dates of the several payments on account thereof, and the amount due and unpaid on the 31st December, 1855.

For the said Return, see Appendix (No. 56.)

Return to an Address from the Legislative Assembly, of the 28th ultimo, for a Statement relative to Educational Institutions.

For the said Return, see Appendix (No. 16.)

Return to an Address of the Legislative Assembly, dated the 5th May, 1856, to His Excellency the Governor General, for a detailed Statement of the amount of Salary, &c., received, and of the disbursements incurred, by the Law Officers of the Crown by virtue of their office in *Lower Canada*, from the 1st January, 1854, to the 1st January, 1856, such Statement to shew the amount, date, and circumstance of each payment, together with the name of the person by or to whom each such payment was made.

(500)

By Command.

Geo. Et. Cartier,
Secretary.

Secretary's Office,
Toronto, 12th May, 1856.

No. 130.

Inspector General's Office,
Toronto, 9th May, 1856.

Sir, — In compliance with the Address of the Legislative Assembly of 5th instant, I have the honor to enclose herewith a Statement of the amount of salary, indemnity, fees, and perquisites received, and of the disbursements incurred by the Law Advisers of the Crown, by virtue of their Office in *Lower Canada*, from 1st of January, 1854, to 1st of January, 1856, shewing the amount, date, and circumstances of each payment, together with the name of the person by or to whom each such payment was made.

I have the honor to be, Sir,
Your most obedient Servant,
William Dickinson,
Actg. D.I.G.

Honorable *G.E. Cartier,*
Provincial Secretary.

Statement of the amount of salary, indemnity, fees, and perquisites received, and of the disbursements incurred by the Law Advisers of the Crown by virtue of their Office in *Lower Canada*, from 1st January, 1854, to 1st January, 1856, such Statement shewing the amount, date, and circumstances of each payment, together with the name of the person by or to whom each such payment was made.

Name of Person by or to whom such Payment was made.	Date of Issue of Warrant.	Amount of Warrant. — Currency.			Circumstances of each Payment.
		£	s.	d.	
L.T. Drummond, Attorney General East.	May 20, 1854 ..	300	0	0	{ To enable him to meet the expenses attending the detection and breaking up of certain Gangs of Counterfeiters in Lower Canada, as per Order of Council of 19th May, 1854. To do of detecting and bringing to Justice an organized Band of Counterfeiters in the Eastern Townships of Lower Canada. To enable him to meet the expense incurred by him in procuring assistance in his Office during the last Session of the Legislature, as per Order of Council of 4th April, 1855.
do do	July 26, do ..	150	0	0	
do do	April 5, 1855 ..	100	0	0	
Dunbar Ross, Solicitor General East	September 29, do ..	44	8	6	{ Amount of his Account for disbursements for engrossing Indictments, &c., during the Criminal Term of 1855, at Quebec.
	<i>Carried forward</i>£	594	8	6	

(501)

Name of Person by or to whom such Payment was made.	Date of Issue of Warrant.	Amount of Warrant. — Currency.			Circumstances of each Payment.
		£	s.	d.	
	<i>Brought forward</i>	594	8	6	{ To enable him to defray the Expenses of the Police Magistrate, Quebec, and Counsel, in proceeding to St. Thomas to examine Witnesses in connection with the murder of Miss Todd.
Dunbar Ross, Solicitor General	February 23, do ..	75	0	0	
Total .....	.....£	669	8	6

Salary of the Attorney General for 1854 was	£900	0	0
do of do do for 1855	1250	0	0
do of the Solicitor General for 1854	600	0	0
do of the do do for 1855	750	0	0

Inspector General's Office,
Toronto, 9th May, 1856.

Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated the 5th May, 1856, for Statements of the Marriages, Births, and Deaths in *Upper* and *Lower Canada*, respectively, in each year, from the 1st January, 1852, to the 1st January, 1856.

For the said Return, see Appendix (No. 19.)

Return to an Address of the Legislative Assembly, dated 14th April, 1856, for copies of all Licenses granted by the Government or its Agents in the Townships of *Acton* and *Durham*, and of all Correspondence had relative to such Licenses during the last two years.

For the said Return, see Appendix (No. 40.)

Ordered, That the Quorum of the Standing Committee on Public Accounts be reduced to six Members.

On motion of Mr. *Hartman*, seconded by Mr. *Holton*,

Resolved, That this House doth concur in that part of the Fifteenth Report of the Standing Committee on Miscellaneous Private Bills which recommends the suspension of the 71st Rule of this House: and that two days' notice, instead of seven, be given of the consideration of Private Bills by the said Committee.

On motion of the Honorable Mr. Attorney General *Drummond*, seconded by the Honorable Mr. *Cartier*,

Ordered, That the Orders of the day be now read.

On motion of DR. CLARKE,⁶

(501)

A Bill to confirm the partition made by the Trustees of the Will and Codicils of the late *Anne Powell*, of the real estate of the late Honorable *William Dummer Powell*, Chief Justice of *Upper Canada*, and for the appointment of new Trustees of the respective shares thereunder of *John Powell* and *Eleanor* his wife, and their children, and of *Mary Sophia Coxwell* and her children, with additional power to substitute new Trustees, and to partition, and for other purposes, was, according to Order, read the third time.

(502)

Resolved, That the Bill do pass, and the Title be, "An Act to confirm the partition made by the Trustees of the Will and Codicils of the late *Anne Powell*, of the real estate of the late Honorable *William Dummer Powell*, and for the appointment of new Trustees, and for other purposes."

Ordered, That Mr. *Clarke* do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to render the Mayor of *Quebec* elective by the Electors of *Quebec*, being read;

MR. ALLEYN moved the third reading of the Bill.... He said the City Council of *Quebec*, as well as many of its citizens had petitioned for a change.⁷

MR. J. SMITH said that this was a new principle, and he was not prepared to see it carried into effect, and should therefore vote against the bill.⁸

MR. GAMBLE said that it would be a very bad principle to allow of the election of a Mayor, to preside over a body from whom he might altogether differ in opinion.⁹

MR. CASAULT said the petition presented in favor of the principal [sic] was signed by only three persons, the hon. mover himself, Mr. Hunt, and one of the French translators of the House¹⁰, and that the people of *Quebec* did not desire it, and that the City Council were opposed to it.¹¹ The Council had frequently rejected the principle, and had only finally permitted the petition to pass by a system of log rolling. He was approved [sic] to the principle of election as applied to Mayors¹². *Montreal* was the only place in which the mayors had been elected by the people and it had not been attended with

particularly good results, while in Quebec the Mayors had always been the most proper persons that could be chosen, and the reason that the measure was brought forward was, because it was desired by a certain very noisy party among the electors, who were friends of the gentleman who had introduced the bill, but he was quite certain that it was not desired by a majority of the people of Quebec.¹³ [He] would vote against the Bill.¹⁴

MR. J. DORION was in favor of the principle, and was glad to find its affirmative coming from Quebec, whence he could not expect any good thing.¹⁵ The City Council of Quebec had in April last passed a resolution in favor of this bill, by a vote of 11 to 3. He was quite sure that the people of Montreal would never consent to go back to the old principle of re-electing [sic] Mayors, and he would be glad to apply the same plan to Quebec.¹⁶ The hon. member for Montenegro [sic], was in favor of electing the Governor of the Province, but he could not think of consenting to elect the Mayor of a city.¹⁷

MR. CHABOT supported the bill, believing that the people of Quebec¹⁸ were almost unanimously in favor of the Bill before the House.¹⁹

MR. ALLEYN contended that the vote of the Council of Quebec was a plain proof that this bill was desired by the people.²⁰ The petition was adopted in the Council by a vote of 18 to 4. True it had been lost previously, but the vote in the Council was 10 to 10, and many of the gentlemen who voted against it, did so on the ground that they required time to reflect. He urged the importance of the principle²¹. He thought that the same principle had worked in Montreal much better than the old principle of appointing the Mayor out of the Council.²²

MR. ROBINSON thought there was no evidence before the House that the people of Quebec desired this change. There could be no harm in allowing the matter to remain over for another year.²³

MR. SOL. GEN. D. ROSS urged the importance of the Bill.²⁴ The people of Quebec had been very much influenced in the matter by the effect of a s[i]milar measure in Montreal²⁵. He had a deep interest in the city of Quebec, and knew how anxious the people were to have this principle adopted.²⁶

CAPT. RHODES thought the fact that no protest had been presented against the passage of the bill, was evidence that it was generally acceptable.²⁷ [He] should therefore vote for the bill.²⁸ He would be glad to learn from some gentleman from Montreal the result of the trial of the elective principle, as applied to the Chief Magistrate.²⁹

MR. PROV. SEC. CARTIER said the principle had worked well. Previous to its adoption the Mayor had been elected, more on account of peculiar interest in the Council, than with regard to choosing the best public person.³⁰ The effect of the direct election of the Mayor ... had been to remove the election out of the hands of cliques and cabals, and his opinion was that it was a decided improvement on the old principle.³¹ He would vote for the bill with great pleasure.³²

MR. PAPIN regarded this as a triumph of the Democratic principle. The Provincial Secretary was forced to support it, and give it the tribute [of] his praise in this regard.³³ He was not surprised at the opposition of the hon. member for Montmagny (Mr. Casault)³⁴, as his politics and those of the persons with whom he acted were essentially aristocratic in their tendencies.³⁵

MR. CASAULT moved, seconded by Mr. Evanturel, that the bill be not now read a third time but that it be read a third time this day eight days. That would afford members an opportunity of making themselves acquainted with the views of the citizens of Quebec, and would not imperil the bill.³⁶

MR. CHABOT said that the motion of the member for Montmagny was very shrewd, but it would be more open and parliamentary for the hon. member to move at once a six months hoist. He trusted

the motion would be rejected immediately, more particularly as the hon. member, and every other member from Quebec, must be well acquainted with the state of feeling in that city.³⁷

MR. GAMBLE thought there was much force in the argument of the member for Montgomery [sic].³⁸ Great weight was to be attached to the fact that there were no petitions before the House asking for this bill, except one from a member, and from one of the translators of the House. He is indisposed to make any change, more particularly as the Mayors of Quebec have always been highly respectable men, and the change might perhaps operate unfavorably, and introduce men of another class into the Mayoralty, at a time when the city has undertaken large and expensive works, involving a large amount of taxation.³⁹

MR. HARTMAN would vote for the bill, as it extends still more widely the elective principle, which he would be glad to see applied to all offices of this kind.⁴⁰ [OR] Mr. Hartman was opposed to the Elective principle to the Mayors of cities; but it appeared to be desired by the people of Quebec, and he would not resist their request.⁴¹

MR. PATRICK would support the bill, as he believes that the people of Quebec are desirous of seeing it passed.⁴²

The amendment was [then] put⁴³.

(502)

Mr. *Alleyn* moved, seconded by the Honorable Mr. *Chabot*, and the Question being proposed, That the Bill be now read the third time;

Mr. *Casault* moved in amendment to the Question, seconded by Mr. *Evanturel*, That the word "now" be left out, and the words "on this day eight days" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Bell, Bowes, Brown, Cameron, Casault, Cauchon, Chisholm, Clarke, Evanturel, Ferres, Octave C. Fortier, Gamble, Murney, O'Farrell, Pouliot, Powell, Price, Rankin, Robinson, and Yeilding.* — (20.)

NAYS.

Messieurs *Aikins, Alleyn, Biggar, Brodeur, Bureau, Cartier, Cayley, Chabot, Chapais, Church, Conger, Cook, Charles Daoust, Jean B. Daoust, Darche, Delong, Desaulniers, Dionne, Jean B.E. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferrie, Foley, Thomas Fortier, Fournier, Frazer, Galt, Gill, Gould, Guévremont, Hartman, Holton, Huot, Jobin, Labelle, Laberge, Laporte, LeBoutillier, Lemieux, Lumsden, Roderick McDonald, Mackenzie, McCann, Marchildon, Masson, Matheson, Mattice, Meagher, Joseph C. Morrison, Angus Morrison, Papin, Patrick, Poulin, Prévost, Rhodes, Roblin, Rolph, Solicitor General Ross, Sanborn, Scatcherd, Shaw, Sidney Smith, Somerville, Spence, Stevenson, Taché, Thibaudeau, Turcotte, Valois, Whitney, Wilson, and Wright.*

— (74.)

So it passed in the Negative.

MR. BROWN explained that he had voted against the motion on the ground that the petition in favor of the bill was only signed by three persons. The principle of electing the Mayors of cities he thought very desirable, and hoped to see it generally adopted.⁴⁴

The motion for the third reading of the bill was then carried⁴⁵.

(502)

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow: —

(502-503)

YEAS.

Messieurs *Aikins, Alleyn, Biggar, Brodeur, Brown, Bureau, Cartier, Cauchon, Cayley, Chabot, Chapais, Church, Conger, Cook, Charles Daoust, Jean B. Daoust, Darche, Delong, Desaulniers, Dionne, Jean B.E. Dorion, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Ferrie, Foley, Thomas Fortier, Fournier, Frazer, Galt, Gill, Gould, Gutvremont, Hartman, Holton, Huot, Jobin, Labelle, Laberge, Laporte, LeBoutillier, Lemieux, Roderick McDonald, Mackenzie, McCann, Marchildon, Masson, Matheson, Mattice, Meagher, Joseph C. Morrison, Angus Morrison, Papin, Patrick, Poulin, Prévost, Rankin, Rhodes, Roblin, Rolph, Solicitor General Ross, Sanborn, Scatcherd, Shaw, Sidney Smith, Somerville, Spence, Stevenson, Taché, Thibaudeau, Turcotte, Valois, Whitney, Wilson, and Wright.* — (78.)

(503)

NAYS.

Messieurs *Bell, Bowes, Cameron, Casault, Clarke, Octave C. Fortier, Gamble, Murney, O'Farrell, Pouliot, Powell, Price, Robinson, and Yeilding.* — (14.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. *Alleyn* do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of MR. POWELL, in absence of Mr. Larwill,⁴⁶

(503)

A Bill to enable the Municipality of the Town of *Chatham* to dispose of a certain piece of land granted to the said Municipality for the purpose of a Burial Ground, and to appropriate the proceeds to the purchase of a more eligible site for a similar purpose, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to authorize the Municipal Council of the Town of *Chatham* to dispose of the land now set apart for a Cemetery in the said Town."

Ordered, That Mr. *Larwill* do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of MR. J. MORRISON, in absence of Solicitor General Smith,⁴⁷

(503)

A Bill to amend the Act for the qualification of Justices of the Peace, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Solicitor General *Smith* do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of MR. JOBIN,⁴⁸

(503)

A Bill to facilitate the examination of Candidates for admission to the Notarial Profession in *Lower Canada*, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. *Jobin* do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of MR. BIGGAR,⁴⁹

(503)

A Bill to vest certain Road allowances in the Township of *Brantford*, in *George S. Wilkes*, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. *Biggar* do carry the Bill to the Legislative Council, and desire their concurrence.

Mr. *Chisholm*, from the Committee of the whole House to consider of certain Resolutions relating to County Courts in *Upper Canada*, reported several Resolutions; which were read, as follow: —

(504)

1. *Resolved*, That it is expedient that every Judge of a County Court in *Upper Canada* should be paid a certain Salary, and that the same should not exceed Six hundred and fifty pounds, nor be less than Four hundred pounds, and that the Governor in Council should fix the remuneration to be paid to the Jud[g]es respectively, having due regard as well to the Population of the several Counties or Unions of Counties as the amount of Fees received by the County Treasurer under the several Statutes establishing Fee Funds, and that the Salaries should be increased, or in case of vacancy diminished by the Governor in Council.

2. *Resolved*, That it is expedient to repeal so much of the Schedule of Fees annexed to the Statute 8 *Vic.* cap. 13, as relates to "Fees to be received by the Clerk, and to belong to and to be paid over to the 'Fee Fund'," and also to repeal Schedule A annexed to Statute 9 *Vic.* cap. 7, and to substitute therefor the following Schedule: —

Every Writ of Summons or *Capias ad Respondendum*, one shilling and six pence.

Every Verdict, six shillings and three pence.

Executing each Writ of Trial and Enquiry and making Return thereto, six shillings and three pence.

Every Report made by the Judge of the proceedings on executing a Writ of Trial or Enquiry, five shillings.

Every Certificate of proceedings made by the Judge to be transmitted to the Court of Queen's Bench, two shillings and six pence.

Every Rule requiring a motion in open Court, one shilling and six pence.

Every Rule or Order of Reference, one shilling and six pence.

Every other Rule of Judge's order, one shilling and three pence.

Every Recognizance of Bail taken by Judge, one shilling and six pence.

Every Affidavit administered by Judge, one shilling.

Every Computation of principal and interest on a Bill, Note, Bond, or Covenant for payment of money, three shillings.

Every Writ of Subpoena, one shilling.

Every Judgment entered, six shillings and three pence.

Every Oath administered in open Court, one shilling.

3. *Resolved*, That it is expedient to permit the Sheriff of each County or Union of Counties to receive in addition to the Fees now allowed him for milage and poundage, the following sums, that is to say: —

For Milage, — two pence per mile on all Writs executed.

For Poundage, — upon all moneys actually made under *fi fa* or *ca sa*, six pence in the pound.

4. *Resolved*, That it is expedient to allow to the Clerk of the County Court for the United Counties of *York* and *Peel*, over and above all Fees now received by him, an allowance to be fixed by the Governor in Council, not exceeding One hundred pounds per annum, out of any surplus that may remain of the Fee Fund of such United Counties, after defraying all charges now imposed thereon.

5. *Resolved*, That it is expedient to repeal so much of the 9th Section of the Statute 16 *Vic.* cap. 120, as fixes the amount of Fees payable to Sheriffs and Clerks of the Peace, and that the Clerk of the Peace of every County or Union of Counties, and the Clerks of the Recorder's Courts in every City in which a Recorder's Court shall have been established, shall be entitled to the following sums of money for the respective services performed by them under this Act, that is to say: —

For receiving and enumerating the Reports for each City, Town, Village, and Township, causing any deficiency therein which may be found to be supplied, and filing the same in his office, three shillings and nine pence.

For giving certificates to Selectors of Jurors, of Report having been made, two shillings and six pence.

(505)

For preparing in proper form the Jurors' Book, and superintending the making up of the same, (besides actual disbursements for Stationer's charges,) each thirty shillings.

For arranging alphabetically and in order the names contained in Selector's Report, per one hundred names, fifteen shillings.

For making up Jurors' books, entering all the names and numbers, and all other matters required to be entered therein, per one hundred names, fifteen shillings.

For each copy of the Jurors' book required by the Act, per one hundred names, fifteen shillings.

For preparing on cards the ballots for Jurors, to correspond with numbers in Jurors' book, per one hundred names, two shillings and six pence.

For each certificate required to be entered on Jurors' book to verify the same, five shillings.

For balloting and entering each Jury List, per one hundred names, thirty shillings.

For copy of Jury List required to be entered, per one hundred names, fifteen shillings.

For each Panel of Jurors drafted from the Jury List, per one hundred names on such Jury List, twenty shillings.

For entering each Panel in the Jurors' book with the numbers corresponding to the Jury List, ten shillings [sic].

For making up aggregate return in default of Jurors, thirty shillings.

For copy thereof and transmitting the same to the Provincial Secretary when required, and office copy of the same, each twenty shillings.

That the Sheriff, High Bailiff, or other officer of every such County, Union of Counties, or City, shall, exclusive of such Fees as he may be entitled to from the parties in any suit, be entitled to the following sums of money for the respective services performed by them under the Jurors' Acts, that is to say: —

For each Panel of Jurors, whether Grand or Petit, returned and summoned by him in obedience to any general Precept for the Returns of Grand or Petit Jurors for any sittings or seizures of Assize and Nisi Prius, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, or County or Recorder's Court respectively under this Act, twenty-five shillings.

For copies of such Panel to be returned in the offices of the Superior Courts of Common Law at *Toronto*, each five shillings.

For every Summons served upon the Jurors on such, the sum of two shillings and six pence.

And for every such certificate given to any of such Jurors of his having served, to evidence his exemption from serving again, until his time for doing so shall return in its course, the sum of one shilling and three pence.

And in case of the Sheriffs of Counties, the sum of sixpence for every mile that he or his Deputy or Bailiffs may necessarily and actually have had to travel from the County Town for the purpose of serving such summaries.

Which several sums shall be paid by the Treasurer of each County or Union of Counties or City respectively, not otherwise specially appropriated by Act of Parliament, upon proof by affidavit made before some Commissioners for taking affidavits of some one of Her Majesty's Superior Courts of Common Law at *Toronto*, for such County or Union of Counties, of such several services having been executed, and of such travel having been so necessarily performed in the service of such summonses; for all which moneys so to be paid as aforesaid, every such Treasurer and Chamberlain shall be allowed in his account with such County, Union of Counties or City, as if the same had been paid under the special authority and direction of the Municipal Corporation of such County, Union of Counties or City respectively: Provided always, nevertheless, that in all such cases when there shall be more than a hundred or an even number of hundreds of such names, if the broken number beyond such hundred or hundreds shall fall short of fifty names, the same shall not be reckoned, and if such broken number shall amount to fifty names or upwards, the same shall be reckoned as a full hundred, but in all cases of there being altogether less than a single hundred, the same shall be reckoned as a full hundred.

(506)

[On motion of] MR. AT. GEN. J.A. MACDONALD⁵⁰,

(506)

The said Resolutions, being read a second time, were agreed to.

Ordered, That the Honorable Mr. Attorney General *Macdonald* have leave to bring in a Bill to amend so much of "The *Upper Canada Jurors' Law Amendment Act of 1853*" as fixes the amount of Fees payable to Sheriffs and Clerks of the Peace.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

On motion of MR. AT. GEN. DRUMMOND,⁵¹

(506)

The House, according to Order, resolved itself into a Committee to take into consideration the expediency of making provision for the Salary of an additional Judge of the Circuit Court in *Lower Canada*, such Salary not to exceed the sum of Six hundred and fifty pounds currency per annum; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Casault* reported, That the Committee had come to a Resolution.⁵²

Ordered, That the Report be received To-morrow.

[On motion of] MR. AT. GEN. DRUMMOND⁵³,

(506)

The House, according to Order, resolved itself into a Committee on the Bill to provide a uniform mode of incorporating Societies formed for Religious, Charitable, and Educational purposes;

[MR. AT. GEN. DRUMMOND] stated that he proposed to amend the ... [fifth] clause by inserting a proviso that no society established under this act should hold any land other than what they required for the actual use and purposes of the corporation. He also proposed to add a sixth clause to prevent any person from bequeathing his whole estate to any of these corporations at a time when it might be supposed that his mental powers were somewhat disordered. He desired that when gifts of this kind were made, it should be when a man is in full possession of his mental faculties, and not liable to any undue control. He also provided by this clause that no person having wife or child should bequeath⁵⁴ property to any corporation unless the will bequeathing such property shall have been made at least six months before the decease of the testator, and such devise shall not be for more than one-fourth of the property of the testator, after his debts are paid⁵⁵. It further provided that all land so bequeathed to such corporations should be disposed of within six months after the period of their acquiring it. (Applause.)⁵⁶

MR. CAMERON thought the country was indebted to the Attorney General East for introducing these amendments, and their introduction would remove the objections which might otherwise have existed to the Bill, in and out of the house.⁵⁷ When they found Government prepared to come down with so just, so liberal, and so proper an amendment as that just proposed, they ought to accept it without hesitation.⁵⁸ The measure, as it now stood, would go in fact further than it had been found necessary to go in some of the States of the Union, where two months was the term that a devise must be made before the death of the testator, in order to be effectual. But here the Attorney General had wisely adopted the term of six months as provided by the English Law; and the Attorney General had gone beyond what is required in the English law, which law does not in any way protect the wife or children, and has further provided that no more than one-fourth part of the estate of any such testator shall be devised, and beyond that, that any estates so devised shall be disposed of within six months after the death of the testator. The house should give to the honourable gentleman their thanks for the introduction of these amendments.⁵⁹

MR. BROWN thought that the Attorney General was entitled to the highest credit for the two amendments he had just announced. He agreed with the hon. member for Toronto that, to a great extent, these amendments would remove a great deal of the objections to the Bill; but as the Attorney General had gone so far, he thought he might as well go a little further and remove the third point of objection which he (Mr. Brown) had brought against this measure in 1853. He then took three objections. One of these three objections was that there was no security against Societies being established of an objectionable character⁶⁰, [the bill permitting] any five persons to appear before a registrar, and by simply signing a paper get an act of incorporation.⁶¹ The Attorney General West would remember that he had taken the same objection to the Bill when before the house in 1852-3. The ground which the Attorney General West took at that time was that the Bill was too loose, that it allowed any five persons

to be organized without any guarantee as to the character of the institution which they proposed to establish. It was true there was a difficulty in determining in whose hands the power of controlling these institutions should rest; but with proper consideration it might be satisfactorily arranged, no doubt. Attorney General East would notice that under his Bill there might be institutions established of which they had no knowledge, and which might be of an improper character. At the same time they were gaining so much by the amendments, that he felt great difficulty in opposing the Bill upon the ground he had mentioned. He thought the Attorney General should put a clause in providing that within a certain number of years all corporations should be brought under the operation of this Act — of course giving them time to dispose of their property. He did not suggest these things out of opposition, but only with a view that the Bill might be made as little objectionable as possible.⁶²

MR. AT. GEN. J.A. MACDONALD said that in England all corporations were under the visitatorial power of the Crown. He could conceive of five persons joining together to make an improper use of the act. He thought that the proper course would be to bring all those corporations under the visitatorial power of the Crown exercised through the Court of Chancery or Court of Queen's Bench. This would meet the difficulty raised by the member for Lambton, and it could not be so well met in any other way. A special Bill might be introduced for that purpose.⁶³

MR. BROWN admitted that that would to a large extent meet the difficulty. At the same time, some check should be provided for restraining the power given to any five persons to join together as a corporation.⁶⁴

MR. CAMERON said that seeing the Attorney General had gone so far as to come down with such an amendment, the hon. member for Lambton should not object, because it did not go so far as he might wish. It would be an easy matter to provide a check for that deficiency complained of.⁶⁵ He would approve of a special Bill being introduced, such as that suggested by the Attorney General West.⁶⁶

MR. AT. GEN. DRUMMOND stated that in the Lower Canada Laws there was an act which he had passed eight years ago, the provisions of which⁶⁷ had wrought well in confining corporations within the limits of their charters. A simple way was provided of effecting this. All that was necessary was to extend that law to Upper Canada. He believed it answered all the purposes suggested by the member for Lambton and the member for Toronto. He hoped it would be extended to Upper Canada next session.⁶⁸

MR. FERRES thought it would not be fair to compel corporations, now existing, as suggested by the member for Lambton, to come under the operation of the Bill, by disposing of the property they already hold. But it would be well to say that they should acquire no more landed property, even although entitled to hold it by their charters, except in the manner provided in the Bill.⁶⁹

After some remarks from MR. PAPIN⁷⁰,

MR. SICOTTE the SPEAKER left [the] chair as it was six o'clock.⁷¹

[After the recess,]

MR. PAPIN congratulated the Government on the progress they had made in liberal ideas, as exemplified in the concessions they had made on this Bill. Had such a Bill as that now before the house been proposed by the Opposition, charges of the rankest impiety would have been brought against them by gentlemen on the other side.⁷² However, as he said, the ministry were making rapid progress. For instance, the Crown Land Commissioner had voted against all his previous opinions this session, by introducing the Elective Legislative Council measures. Again, the Ministry had that evening voted for the

democratic principle introduced in the appointment of the chief Magistrates of Montreal and Quebec. With respect to the bill now before the House,⁷³ it would not be forgotten that when the members on his side of the House voted with the member for Lambton to prevent certain institutions from holding too much land, those members were accused of desiring the destruction of all religious and social order, and of desiring to prevent the establishment of these colleges. But what did the House see to-day? Why, that the Ministry had introduced a law, of which he much approved, but which yet went much further than had ever been demanded by the Opposition.⁷⁴ It was nevertheless based on principles necessary in every well regulated country. He would vote for the Bill with pleasure, for he regarded it as a reparation made by the ministry to the Opposition, whom they had so long vilified. He would willingly support any ministry in carrying such measures as the present. On the other hand the members on the other side of the house, ought now, if they were consistent, to go at once into opposition, when they saw the ministry enlisted on the side of those whom they esteemed demagogues and infidels. (Hear, hear.) They did not do so, and it was plain that the assertion he had made in the debate on the address, was now fully established — that the members of whom he spoke would be the first to support any ministry, though it was formed by the member for Lambton. — What was the fact? Why, that this measure had for its base the very principles contended for by the member for Lambton. (Hear, hear.) In fact the ministry with a laudable absence of party spirit had adapted all the views of that honourable member. But now what was the house to conclude? That the members on the other side of the house were less Catholic than they were last year? That certainly was not his idea. He thought those gentlemen just as religious and just as good citizens as they had ever been. But if not less Catholic, they were certainly less fanatical. (Hear, hear.) Either on that account, or because of the pressure of public opinion, they had come to entertain wise opinions, notwithstanding that they were the opinions of the member for Lambton. He concluded by again congratulating the house on the progress those hon. gentlemen had made.⁷⁵

MR. AT. GEN. DRUMMOND denied that there had been any change in the opinions of members on his side of the house. They wanted the religious institutions in question to be rich, for their riches were never directed to improper objects. But there was no reason why they should hold land rather than personal property. That was at one time necessary, because it was the only kind of property, but it was necessary no longer. The course taken by the ministerial side of the house on the Masson College was not taken because they had any other principles from those now entertained, but because an attempt was made by the Opposition to place that institution in an invidious position, different from that of all similar institutions.⁷⁶ He believed the hon. member for L'Assomption had opposed the Ministry thus long, without well knowing why. However, he hoped that this being the first time on which the Ministry had the pleasure of Mr. Papin's accordance in their measures, it would not be the last.⁷⁷

MR. PAPIN said he intended to submit a proposition which would enable the Attorney General to carry out his views to the fullest extent. The Attorney General had said that he was opposed to placing one institution on a footing different from the rest. That was just, and though he did not desire to deprive any corporation of property already acquired under the law, he would move an amendment to place the Masson College and all other institutions for the future, on the same footing as other institutions would be, incorporated under this law.⁷⁸

MR. TURCOTTE said that would be an injustice, because it would deprive those institutions of rights already acquired. He did not consider there was the same danger to be dreaded from property being held by such institutions here as in Europe.⁷⁹ The present bill did not injure the corporations in the sligh[t]est degree, for there was no longer any necessity for them to hold land. Certainly, however, the Government must advance, and that towards principals [sic] of democracy, but that must be done in a manner consistent with the maintenance of order.⁸⁰ He had voted against the Masson College Bill simply to oppose fanaticism. And he would vote for this Bill, yielding to fanaticism, to prevent its being pushed to more dangerous excesses.⁸¹

MR. AT. GEN. DRUMMOND having replied to the hon. member for L'Assomption in French, said he would repeat in English what he had said, because he was desirous that all might understand what he had said. The Government had been accused by the hon. member for L'Assomption of having abandoned their principles, and adopted those of the hon. member for Lambton, but so far from having done so, he looked upon this as another proof of the advance the Union is making upon the people. He looked upon it as another proof of the possibility of assimilating all our institutions. The change which has been forced upon the hon. member for Lambton was very remarkable. It is the hon. member for Lambton who is compelled to adopt our principles. Some years ago the hon. member for Lambton would allow no religious institutions to be incorporated. He repudiated them. He told us these societies should not be encouraged. The other day the bill was denounced by the hon. member for Lambton as an abominable Bill.⁸² The former Bill he [Mr. Drummond] had introduced three years ago, was read a second time by a very small majority. When this Bill was read a second time, only nine members voted against it.⁸³ He looked upon it that those feelings which the hon. member had endeavored to arouse were fast disappearing. He looked upon it as a harbinger of time when all their religious feelings will disappear from our land. The hon. member for Lambton characterised this as an abominable measure — a bill to establish nunneries and monasteries all over the land. But when that hon. gentleman found only nine members voting against that Bill,⁸⁴ he came down to-night and congratulated him (the Attorney General) on the great progress he had made, in introducing the amendment in reference to holding real property⁸⁵, and [said] the amendment was so very kind that he would offer no further obstruction to it. He dared offer no further obstructions because he found that the people would not submit to such obstructions. He was obliged to abandon his position, and he says it was merely on account [sic] of this amendment. What was this amendment? Does that amendment affect the principle of the Bill? Does it affect the organizations of these charitable institutions? No, it did not. It was merely placing those Institutions upon the same footing upon which individuals are placed by the laws of Lower Canada — to prevent any man from being deceived upon his death bed, or from giving away his property when his mental faculties are deranged, and it says that these institutions should not be allowed to hold a vast extent of land. He was quite willing to introduce that amendment, not because it is really wanted — because he thought it impossible in this country to hold lands to a great extent. These Institutions were looked upon with horror in the old countries of Europe, because they had the power to hold lands in mortmain, and they had not the power to sell. But our laws give power to sell. He merely rose to repudiate the accusation launched against the Government by the hon. member for L'Assomption that they had adopted the principles of the hon. member for Lambton; on the contrary, the hon. member for Lambton is forced by public feeling to abandon the principles he formerly held.⁸⁶

MR. CHABOT declared that no Ministry had ever been so democratic in its tendencies as the present. First of all they made elective members of municipal councils magistrates, and hereafter that would lead to all magistrates being made elective, but that must be done slowly in order to be done well. The Opposition would be very sorry to see the Ministry too democratic, as that would destroy the Opposition. And he had no doubt but other elective institutions would come, and probably some day or other, the Queen would also be elected like the rest. (Loud laughter.) Unfortunately however, that could not happen in his time — he said unfortunately, because he believed at such an election there would be a good deal of fun. (Laughter.)⁸⁷

MR. BROWN thought it was much to be regretted that the Attorney General, in resuming this subject, should have shown so much heat. When he spoke before the recess, he was in a placid and amiable humour. But when he returned to the subject, he seemed to be very cross indeed. He did not like to see the Attorney-General in that humour, especially when, for once in his life, he was doing a good deed. (Laughter.) It was not often that the hon. gentleman brought down a good Bill, as to which they could all join in saying something in its favour. But, while regretting it, he could understand very well the change which had passed over the Attorney-General, after the speech addressed to him by the member

for Maskinonge (Mr. Turcotte). The attacks coming from the member for Maskinonge were quite sufficient to put him out of humour.⁸⁸

MR. AT. GEN. DRUMMOND. — The hon. member for Maskinonge did not assail my measure at all.⁸⁹

MR. BROWN. — I understood him to complain that the Attorney General had been compelled to submit to the principles of the member for Lambton.⁹⁰

MR. PAPIN. — He said that the Government, seeing that the principles held by fanaticism in Upper Canada were held by Democracy in Lower Canada, had been obliged to yield.⁹¹

MR. TURCOTTE. — What I said was, that there were political fanatics and religious fanatics, and that the Government might have seen that the effect of this Bill was to unite those two parties of fanatics.⁹²

MR. BROWN proceeded to say that he thought the Attorney General was quite right, when he remarked that this Bill was an indication that they were progressing somewhat towards greater harmony of feeling between Upper and Lower Canada. He thought that, not the bill *but the amendments* the hon. gentleman had made upon it to-night, removed or rather commenced the removal of one of the great questions of difficulty between Upper and Lower Canada. The hon. gentleman should have held to that proper view of the case, and not have frittered away the importance of his amendments, by declaring that they amounted to nothing. The concessions he had made to-night were of the very greatest importance. (Hear, hear.) He could not allow the Attorney General to run away with the idea that he (Mr. Brown) had given up any principle he ever held on this subject. The reason he intended to support the Attorney General's Bill, was not because it was altogether in accordance with his own mind — by no means — but because the measure was so large an instalment, that he durst not refuse it. (Hear, hear.) He should take it as an instalment; but if the hon. gentleman thought he meant to rest contented with it, he was very much mistaken. It was quite enough for him that the Attorney General presented what was a decided improvement on the present law, and which would remove from the house a great many of the sources of discord that were constantly arising.⁹³ He had been charged with having changed his principles and gone over to the opposite side, by the hon. Attorney General;⁹⁴ now he happened to have in his desk a copy of the very debate which occurred, when the Attorney General introduced this Bill, or rather a Bill almost similar to this, but containing those obnoxious clauses which were now struck out. Mr. Brown proceeded to read a portion of his remarks on that occasion,⁹⁵ as reported in the *Globe* of the 22nd of March, 1853.⁹⁶ The first point he then made against the Bill was that it allowed any five persons to become incorporated for any purpose whatever, without any restriction. He objected to the present measure on the same ground, but as the Attorney General had corrected the other obnoxious features of it, he was willing to accept the Bill in the hope that in time he would correct that also. The second and the strongest point that he then made against the Bill was that it allowed ecclesiastical corporations to lock up a large amount of real estate under a leasehold system. On that occasion the Attorney General rated him soundly for raising the objection, and said it was an antiquated idea coming from Europe, where circumstances were entirely different, that there could not be any danger from that source. It was creditable to the hon. gentleman that he had come round to better views on that point. The third point he (Mr. Brown) then made against the Bill was that it furnished no protection to the relatives of dying persons against the solicitations of priests, who were ever ready to gain property from the fears of their penitents. That also the hon. gentleman had now amended, by a clause almost word for word, as he (Mr. Brown) had it in his speech. He would not wonder if the hon. gentleman stole it from his speech! (Laughter.)⁹⁷

MR. AT. GEN. DRUMMOND. — I never read your speech!⁹⁸

MR. BROWN said, ah, that was a great pity. If he had read it three years ago he would not have been so long in coming to the sound principles he had now adopted. — (Laughter.) It was the great difficulty with those hon. gentlemen that they could not be got to read. If they would but read more, they would not be so far behind the intelligence of the age. (Laughter.) The hon. gentleman said that he (Mr. Brown) had always been against those Corporations. That was a mistake. There were hon. members of this house, like his hon. friend from Brant, who hold that corporate powers should never be granted, because it was prejudicial to the common weal. He (Mr. Brown) had never taken that ground. He had always admitted that there was a defect in the law of trusteeship, and that there was a necessity to provide for transferring property more easily from one set of trustees to another. He had urged that by amending the law of trusteeship, the necessity for those Corporations might be done away with; but lawyers had always replied to him that there was a difficulty in the way of that. This being a general measure, went a certain length in meeting his views. But in some respects it went too far, as in providing for the incorporation of associations of all kinds by any five persons filing a mere declaration of their intention. He thought this very wrong and that many most powerful institutions would spring from it — but still he was willing to take the Bill on account of the two very good amendments which the Attorney General had introduced into it. It was a great thing to get a hold of these corporations, by bringing them all under one Bill; amendments could be made so easily upon it from time to time, according to the progress of opinion in the Legislature. They were therefore indebted to the Attorney General, — not for his Bill, — but for the amendments he had made to it. The honourable gentleman had charged him (Mr. B.) with calling it an abominable Bill. He had done so; and he repeated that the Bill of 1853 was about as abominable a Bill as could have been framed, and this, as introduced, was very much like it. But by his amendments he had divested it of its two worst features, and those which remained he trusted would also in time be removed, if not by the present Government, at least by their successors. (Hear, hear.)⁹⁹

MR. MARCHILDON addressed the house in French, briefly.¹⁰⁰

MR. BUREAU moved an amendment to provide for the exclusion of Secret Societies of an unconstitutional character, and he desired to ascertain if the provisions of this measure would admit of any such objectionable associations.¹⁰¹

MR. AT. GEN. DRUMMOND said, the declarations required to be made by parties desirous to incorporate themselves, would, he considered, obviate the objection.¹⁰²

MR. PROV. SEC. CARTIER opposed the amendment of the hon. member (Mr. Bureau) and hoped that the Attorney General would not accept it.¹⁰³

MR. BUREAU agreed to withdraw it for the present.¹⁰⁴

The Committee rose¹⁰⁵.

(506)

and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Roblin* reported, That the Committee had gone through the Bill, and made amendments thereunto.
Ordered, That the Report be received To-morrow.

On motion of MR. INSP. GEN. CAYLEY,¹⁰⁶

(506)

The House, according to Order, resolved itself into a Committee of Supply;

[MR. INSP. GEN. CAYLEY] said in reference to the expenses of the militia department, it had been charged in the printed list for a year and a half; but it was not his intention to ask the House for its

sanction to the full amount of what he had placed in the Estimates, but he would only ask the House to sanction one year's expense. He would therefore move the following items:

Adjutant General of Militia Department

	£	s.	d.
Salary of the Provincial Aide-de-Camp, for the year 1856	300	0	0
do of one Clerk	270	0	0
do do	250	0	0
do two Clerks at £231 5s.	462	10	0
do do at £187 10s.	375	0	0
do of a Messenger	93	15	0
Total	1751	5	0 ¹⁰⁷

Mr. Cayley then moved ... the first item: "The Salary of the Provincial Aide-de-Camp, £300."¹⁰⁸

MR. MACKENZIE objected to the sum as being too large. It had increased from £90 to this sum, and he did not see the use of such an expenditure. Several of the items were very objectionable. As to the Militia Requirements, we have no need of them, there was nobody at war with us, and it was useless expenditure to keep it up.¹⁰⁹

The item was then carried.¹¹⁰

MR. INSP. GEN. CAYLEY having moved the next item: "£270 for the Clerk."¹¹¹

MR. MACKENZIE again objected. He said any one would suppose that the Aide-de-Camp was an establishment of itself altogether, by the number of officers put down on the printed List, as attached to it, while all the time it was a mere ornament. In fact the gentleman filling that capacity was nothing more than the Agent of the Colonial Office.¹¹²

MR. INSP. GEN. CAYLEY explained, that the Clerks mentioned in the List were those under the Adjutant General, not of the Aide-de-Camp.¹¹³

MR. BROWN thought it was necessary to call the attention of the Government to the manner in which the officers of the regiments of militia were appointed in different counties. It was not to be disputed that they were chosen with a view to suit the political purposes of the party in power. (Hear, hear.) Persons had been sent through his county, offering commissions to parties, to secure their political co-operation.¹¹⁴ He could not consider anything more injurious to the country¹¹⁵.

MR. AT. GEN. J.A. MACDONALD said if the hon. gentleman was prepared to prove anything of that kind,¹¹⁶ it would meet serious consideration from the Government.¹¹⁷

MR. BROWN was glad to hear the Attorney General say so. He was prepared to prove these things. He was prepared to show that there were regiments in his county filled up purely upon political principles, and all the officers selected scrupulously from one side.¹¹⁸ He had a strong desire that the militia should be properly officered, and be placed above political partisanship or influence. And why should not the member of a county be consulted by the Adjutant General, when any arrangements were about being made for establishing a militia force there? It was only fair that he should be.¹¹⁹ If the Adjutant General would come to him as the member of a County and show him the proposed list, he would be glad to give him his opinion.¹²⁰

MR. POST. GEN. SPENCE fully concurred with the hon. member that the militia of the Province should be kept free from political influence. He knew that that evil attached to his own county, and it might also to other counties, but he was satisfied that the utmost pains had been taken to prevent any

undue political bias being exercised in the nominations of officers to regiments by the ministry, and they would be happy to hear of any instance in which any political influence had been exercised unjustly.¹²¹ Speaking from his own knowledge he could say, that in his own County the gentleman by whom all the appointments had been made — the hon. Col. Hamilton — was a political opponent. If, however, any improper appointments had been made, he was sure if the attention of the Adjutant General was called to it, it would be remedied.¹²²

MR. BROWN said the difficulty was to point out how the remedy could be applied. What they wanted was a good plan. If the member for the County was consulted in the appointments he would be able to assist in making a selection.¹²³

MR. POST. GEN. SPENCE. — Would not that be political?¹²⁴

MR. BROWN. — There is no doubt it would. The difficulty was in the absence of a system. But one thing was evident, the appointments should be made with the hearty concurrence of the whole country.¹²⁵

MR. POST. GEN. SPENCE said the subject was very important. But he did not know a better plan than that at present practised. It was gratifying as well as complimentary, to His Excellency as Commander-in-Chief¹²⁶ [OR] to the Adjutant General, that since the organization of the militia no complaints had been made through the columns of the press of an objectionable character in reference to the appointments which had been made. An enormous amount of work had fallen upon the Adjutant General since the organization of the militia, and it was highly creditable to him that he had discharged his office so well.¹²⁷

MR. BROWN said he was not complaining of the appointments made, but he complained that parties had gone through his county offering commissions to parties upon political grounds.¹²⁸

MR. INSP. GEN. CAYLEY then moved the adoption of the following items: ... the salaries of the two [Inspecting] field officers, at £200 each; two store-keepers of Armories, at £75 each, for the four months ending 30th June, 1856, £50; 18 Assistant Adjutant[s] General at £30 per annum, £540. — Total, £990. Also for the maintenance of 16 troops of Cavalry, each 10 days drill, £3,118; 6 Field Batteries of Artillery, 20 days drill each, £3,261¹²⁹; 5 companies of Foot Artillery, £705; 40 companies of Riflemen, 70 men each, £3,820; contingent expenses for Postages, Stationery, Printing, Repairs of Accoutrements, Transport of Arms, Travelling Expenses of Inspecting Field Officers, and all other Incidental Expenses attending the Active Force, for the year ending the 20th June, 1855 [sic], £1,200.¹³⁰

MR. MACKENZIE said £10,000 had formerly been granted towards the militia, and how it was spent nobody ever heard, and yet sums were now to be given with perhaps the same result only to be obtained. Were members to sit in that house like Chinese mandarins, nodding their approval to giving the sums put down by the Inspector General? The whole militia system was a mockery; there was no necessity for it. The only object of it was to give young men an opportunity of applying to each other the titles of colonels and lieutenants, without any good coming from it of a practical kind to the country. He objected to the whole thing.¹³¹

MR. INSP. GEN. CAYLEY did not propose to move this vote of money for the second half year. He would refer the hon. member for Haldimand to the Militia Act, and he would find by looking at it that the present propositions for voting the sums set down were quite within the spirit and terms of that Act.¹³²

The items for the maintenance of the militia during drill, were reduced, the time for drill having been lessened for this year.¹³³

The item of £10,785 for salaries of Inspecting Field officers was struck out.¹³⁴

[MR. INSP. GEN. CAYLEY] moved the following:

Legislative Council.

	£	s.	d.
Salary of the Speaker	800	0	0
do of the Clerk	500	0	0
do of the Assistant Clerk and French Translator	400	0	0
do of the Law Clerk	250	0	0
do of the Chaplain and Librarian	200	0	0
do of the Gentleman Usher of the Black Rod	100	0	0
do of the Sergeant-at-Arms	100	0	0
do of the Head Manager	100	0	0
do of the Door-keeper	60	0	0
do of three Messengers for the Session, at £45 each	135	0	0
Contingent Expenses	7650	0	0
Indemnity to the Members for their attendance, at 20s. per diem, including Travelling expenses at 6d. per Mile, for the distance between the place of residence of such Member, and place at which the Session is held	7350	0	0
Total	£17,645	0	0 ¹³⁵

Several items of the expenditure of the Legis[ative] Council were passed.¹³⁶

On the item of £7,650 for "Contingent Expenses of the Legislative Council,"¹³⁷

MR. MACKENZIE said he wondered very much what the hon. gentlemen above could make of that \$30,000, besides another £7,350, to pay them each so much a-day. He was surprised that the conservatives could support the payment of the Lords, 20s. a-day, in the same way as they paid the servant who got their hat, or put on their coats.¹³⁸

MR. INSP. GEN. CAYLEY remarked that the contingencies of the upper house did not amount by a very long figure to those of the lower house, which were £62,000.¹³⁹

MR. BROWN objected to the item of £7,350, for payment of the members [of] the Legislative Council. The argument on which it had been supported formerly was, that the upper house was in a state of transition, that it was not known what was to be done with it, and that it was necessary to pay the members, in order to keep them together. But now that the argument was done away with, a bill having been passed, providing that the members appointed by the Crown should remain in their seats permanently. Were they to continue to pay members appointed by the Crown, who held their seats in spite of them? With a house partly appointed, and partly elected, were they to pay all equally — one set having responsibilities to their constituents, and being compelled to transact certain business for them, and the other set being responsible only to themselves. He had opposed this on every occasion that it was brought up.¹⁴⁰

MR. PROV. SEC. CARTIER. — You opposed the elective principle.¹⁴¹

MR. BROWN. — Yes. And he had opposed their destroying the principle of appointments by making the appointed members stipendiaries of the government of the day. He had always held it to be degrading to the members of the upper house that the Government should be able to say to them — "If you don't vote to suit us, we will stop your pay, by not putting this line into the estimates."¹⁴² [He moved [that] the last item be struck out.¹⁴³

The item was carried on a division.¹⁴⁴

MR. INSP. GEN. CAYLEY then moved the following:

Legislative Assembly.

	£	s.	d.
Salary of the Speaker	800	0	0
do of the Clerk	500	0	0
do of the Assistant Clerk	400	0	0
do of the Law Clerk and English Translator	500	0	0
do of the Clerk of the Crown in Chancery	150	0	0
do of the Serjeant-at-Arms	100	0	0
Contingent Expenses (exclusive of Indemnity of Members)	62,000	0	0
Total	£64,450	0	0

Various Public Departments.

	£	s.	d.
Contingent Expenses of the Clerk of the Crown in Chancery	100	0	0
Towards the Salary of the Deputy Provincial Registrar and French Translator to Government	250	0	0
Salary of Additional Clerk in the Eastern Branch Provincial Secretary's Office	125	0	0
Additional Salary to the Post Master General	50	0	0
do to the Chief Commissioner of Public Works	50	0	0
do to the Honorable H.H. Killaly, for Engineering Services on the Welland Canal, for the year	166	18	0
do to the Clerks in the Provincial Secretary's Office	333	7	5
do to the Clerks in the Provincial Registrar's Office	465	17	0
do to the Clerks in the Receiver General's Office	390	0	0
do to the Clerks in the Inspector General's Office	656	5	0
do to the Clerks in the Customs Branch Office	270	0	0
Salary of two Extra Clerks in the Receiver General's Office	517	17	1
One Chief Engineer	810	0	0
One Assistant Engineer and Draughtsman	460	0	0
One Book Keeper	402	10	0
One Chief Clerk	330	0	0
One Clerk	250	0	0
And when performing the duty of Pay-master, an addition of	150	0	0
Two Clerks at £250 each	500	0	0
One Office Keeper	104	0	0
One Messenger	118	15	0
One Messenger	93	15	0
Total	£3219	0	0

OFF. — One month, they being paid from 1st February, 1856,

only	268	5	0
	2950	15	0 ¹⁴⁵
Additional Salary to Messengers, one in the Receiver General, two in the Provincial Secretary's, one to the Governor General's Secretary, four in all, at £19 each	76	0	0
do the House Keeper and Messenger, Inspector General's Office	39	16	8
Salary of one other Messenger in the Provincial Registrar's Office	75	0	0
do of the Clerk attached to the Inspector General's Department, to look after the Interests of the Crown, in respect to the Quebec Fire Loan ...	200	0	0
do of the Clerks arranging the Public Archives, &c., at Montreal, at 10s. per diem	183	0	0

	£	s.	d.
Additional Salary to the Permanent Clerk of the Crown Law Department ...	140	0	0
Salary of a Clerk in the Custom Branch, Inspector General's Department ...	200	0	0
do of two Clerks in do at £250 each	500	0	0
do of Secretary to the Bureau of Registration and Statistics	400	0	0
do of First Clerk and Accountant	300	0	0
do of Second do for the issue and Register of Patents	250	0	0
do of Third do	225	0	0
do of Fourth do	200	0	0
do of two Extra Clerks	525	0	0
do of two Messengers, at £75 each	150	0	0
Contingencies	750	0	0
Additional Salary to the Auditor of Public Accounts	100	0	0
Salary of a Book-keeper in Auditor's Office, from 17th January to the 31st December, 1856, at £300 per annum	286	5	3
do of Clerk, in do, from 1st January to 31st March, at 13s. 9d. per diem, and from 1st April to 31st December, 1856, at £250 per annum	250	1	3
do of Accountant, in do, from 1st January to 31st March, at 12s. 6d. per diem, and from 1st April to 31st December, 1856, at £225 per annum	225	12	6
do of two Clerks, in do, from 1st January to 31st March, at 10s. per diem, and from 1st April to 31st December, 1856, at £175, equal to £176, 15s. each	353	10	0
do of one do, in do, for the year	300	0	0

Here the Inspector General pushed the items in at a rapid rate¹⁴⁶.

MR. MACKENZIE started up and declared the whole system a farce. Here they had clerks and auditors almost *ad infinitum*, and what good did the country receive from their services? — None.¹⁴⁷

[The items were] carried.¹⁴⁸

MR. INSP. GEN. CAYLEY then moved:

Salaries of Extra Clerks heretofore paid out of the Contingent Expenses of Public Offices.

	£	s.	d.
Salary of an Extra Clerk in the Provincial Secretary's Office, at 11s. per diem ...	201	6	0
do of two do in the Executive Council Office at 12s. 6d. per diem, each	457	10	0
do of one do in the Receiver General's Office	318	0	0
do of one do do	270	0	0
do of one do do	228	15	0

Pensions to Officers and Servants of the late Legislative Bodies of Upper and Lower Canada.

William Ginger, as late Serjeant-at-Arms to the Legislative Council of Lower Canada	66	13	4
Samuel Waller, as Clerk of Committees, to do	100	0	0
William Coates, as Writing Clerk to do, Upper Canada	133	6	8
John Bright, as Messenger of Legislative Council of do	20	0	0
Louis Noreau, as do do Lower Canada	20	0	0
Pierre Lacroix, as do do do	18	0	0
François Rodrigue as do do Assembly do	18	0	0
Louis Gagné, as do do do do	18	0	0

Other Pensions.

	£	s.	d.
Jacques Brien, for Wounds received in the Public Service	20	0	0
Mrs. McDonell, allowance during her life, on her claims for Dower on a certain property taken by the late Welland Canal Commissioners	50	0	0
Mrs. Widow Antrobus	200	0	0 ¹⁴⁹

MR. MACKENZIE opposed the vote of £200, as a pension to widow Antrobus.¹⁵⁰ It was most extraordinary what a list of pensioners they had.¹⁵¹

The item was agreed to.¹⁵²

MR. INSP. GEN. CAYLEY moved the following:

Mrs. Catherine Smith, as Widow of the late Mr. Justice Pyke	100	0	0
Widow McCormick	100	0	0
G.B. Faribault, Esquire, as late Assistant Clerk to the Legislative Assembly ..	400	0	0 ¹⁵³

MR. BROWN strongly objected to the last item.¹⁵⁴ He had understood that this gentleman was to retire on a diminished allowance.¹⁵⁵

The vote was agreed to, after some conversation.¹⁵⁶

MR. INSP. GEN. CAYLEY ... [moved the following]:

Hospitals and other Charities.

Aid to the Commissioners for relief of Indigent Sick at Quebec	1000	0	0
do the same at Montreal	1000	0	0
do do at Three Rivers	700	0	0
do Corporations of General Hospitals at Montreal	1000	0	0
do Managers of the Protestant Female Orphans Asylum of Quebec	100	0	0
do the Ladies Benevolent Society Montreal, for Widows and Orphans ...	100	0	0
do Roman Catholic Orphan Asylum, Quebec	100	0	0
do Montreal Protestant Orphan Asylum	150	0	0
do Male Orphan Asylum, Quebec	100	0	0
do Charitable Association of the Ladies of the Roman Catholic Asylum of Montreal	100	0	0
do Protestant Orphan's Home and Female Aid Society at Toronto	200	0	0
do Roman Catholic Orphan Asylum at Toronto	200	0	0
do University Lying-in-Hospital at Montreal	75	0	0
do do under the care of Soeurs de la Miséricorde	75	0	0
Aid of Lying-in-Hospital at Toronto	75	0	0
do Asylum of the Good Sheppard [sic] at Quebec	75	0	0
do Hospice de la Maternité [sic] at Quebec	75	0	0
do General Hospital des Soeurs de la Charité at Montreal	250	0	0
do Les Soeurs de la Provi[de]nce, at Montreal	350	0	0
do towards the Support of the Lunatic Asylum at Toronto	14000	0	0 ¹⁵⁷

MR. HARTMAN said the people complained of their tax, and asked what the Government intended doing respecting the defective accommodation in the Asylum.¹⁵⁸

MR. INSP. GEN. CAYLEY replied that the Government were endeavoring to find room for 90 more in the old University Building College Grounds, and that they intended sending the criminal lunatics to the Kingston asylum.¹⁵⁹

[The items were] carried.¹⁶⁰

[MR. INSP. GEN. CAYLEY then moved:]

	£	s.	d.
Aid towards the Support of a Temporary Lunatic Asylum at Beauport, near Quebec	1000	0	0
do Hamilton Hospital	800	0	0
do the Toronto General Hospital	2000	0	0
do the Toronto House of Industry	500	0	0
do towards the relief of the Indigent Sick at Kingston	750	0	0
do Kingston General Hospital	1000	0	0
do Kingston Hotel Dieu Hospital	200	0	0
do Protestant Hospital at Bytown	150	0	0
do Roman Catholic Hospital at Bytown	150	0	0
do Hamilton Orphan Asylum	200	0	0
do do Roman Catholic Orphan Asylum	200	0	6 [sic]
do St. Patrick's Hospital, Montreal	150	0	0
do Eye and Ear Institution, Montreal	50	0	0
do Montreal Dispensary	50	0	0
do Canada Military Asylum for Widows and Orphans Quebec	50	0	0
do the Montreal House of Refuge	150	0	0
Total	£ 36,125	0	0

Various Public Institutions.

Aid to the Medical Faculty McGill College	250	0	0
do School of Medicine, Montreal	250	0	0
do do do Kingston	250	0	0
do Literary and Historical Society, Quebec	50	0	6 [sic]
do Natural History Society, Montreal	50	0	0
do Ste. Mary's Institute, County of Perth	50	0	0
do Institute of St. Roch	50	0	0
do Literary Institute, Laprairie	50	0	0
do do, Sherbrooke	50	0	0
do Sherbrooke Library Association and Mechanics' Institute	50	0	0
do Hamilton Mercantile Library Association	50	0	0
do Mr. Juneau's Literary Institution	50	0	0
do Montreal Mercantile Library Association	50	0	0
do Canadian Institute at Toronto	250	0	0
do Athenæum at Toronto	100	0	0
do Huron Library Association and Mechanics' Institute	50	0	0
do Teachers' Association at Quebec, for their Library	50	0	0
do Montreal Home and School of Industry	100	0	0
do Library Association at Quebec	50	0	0
do Canadian Institute at do	50	0	0
do do at City of Ottawa	200	0	0
do Deaf and Dumb Institution near Montreal	150	0	0
do Aurora Mechanics' Institute and Library Association	50	0	0
do Richmond do and do	50	0	0
do North Wellington Farmers' and Mechanics' Institute	50	0	0
do Mechanics' Institute and Library Association Industrie	50	0	0 ¹⁶¹

MR. BROWN opposed the grants to a variety of sectarian institutions. He had thought that all those were to be struck off. It was a system there was no end to. If a grant was made to one institution, it must be made to all.¹⁶²

MR. WILSON asked why a grant should not be made to the Hospital in London, which was not for the good of the locality alone, but of those left sick and dying by the Railway — as well as for the hospitals at Montreal and Quebec.¹⁶³

MR. POST. GEN. SPENCE said that Dundas suffered from the same cause. But the cities on the direct line of emigration had special claims.¹⁶⁴

MR. BROWN said, the remarks just made corroborated his statement, that if they gave to one, they ought to give to all. He thought these institutions should be left to be supported by the generosity of the public. At certain points along the line of emigration, he would be in favour of having public institutions supported by the Government; but he was opposed to aiding sectional institutions.¹⁶⁵

Some further progress was made with the Estimates, and the Committee rose, reported progress, and obtained leave to sit again.¹⁶⁶

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Stevenson* reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again To-morrow.

Then, on motion of Mr. *Thibaudeau*, seconded by Mr. *Laporte*,
The House adjourned.¹⁶⁷

Appendix

[WITHDRAWN MOTION RE: THE TORONTO HOSPITAL.]

DR. CHURCH asked leave to move a resolution in regard to the affairs of the Toronto Hospital.¹⁶⁸

MR. BOWES said he would like to know what was the subject of the honourable member, before allowing him to take his motion out of its place on the notice paper.¹⁶⁹

DR. CHURCH. — We want to settle the present difficulty.¹⁷⁰

MR. BOWES. — I would like to know what the difficulty is.¹⁷¹

DR. CHURCH. — I presume the honourable member knows more about the difficulty than I do. (Laughter.)¹⁷²

MR. AT. GEN. DRUMMOND suggested that the matter should lie over till to-morrow, to allow the Government to look into it.¹⁷³

The motion was accordingly withdrawn.¹⁷⁴

Footnotes

1. *Toronto Daily Leader*, 16 May 1856.
2. *Ibid.*
3. *Ibid.*
4. *Ibid.*

5. *Toronto Daily Leader*, 16 May 1856.
6. *Globe*, 14 May 1856.
7. *Toronto Daily Leader*, 16 May 1856.
8. *Morning Chronicle*, 19 May 1856.
9. *Ibid.*
10. *Toronto Daily Leader*, 16 May 1856.
11. *Morning Chronicle*, 19 May 1856.
12. *Toronto Daily Leader*, 16 May 1856.
13. *Morning Chronicle*, 19 May 1856.
14. *Toronto Daily Leader*, 16 May 1856.
15. *Ibid.*
16. *Morning Chronicle*, 19 May 1856.
17. *Toronto Daily Leader*, 16 May 1856.
18. *Morning Chronicle*, 19 May 1856.
19. *Toronto Daily Leader*, 16 May 1856.
20. *Morning Chronicle*, 19 May 1856.
21. *Toronto Daily Leader*, 16 May 1856.
22. *Morning Chronicle*, 19 May 1856.
23. *Toronto Daily Leader*, 16 May 1856.
24. *Ibid.*
25. *Morning Chronicle*, 19 May 1856.
26. *Toronto Daily Leader*, 16 May 1856.
27. *Ibid.*
28. *Morning Chronicle*, 19 May 1856.
29. *Toronto Daily Leader*, 16 May 1856.
30. *Ibid.*
31. *Morning Chronicle*, 19 May 1856.
32. *Toronto Daily Leader*, 16 May 1856.
33. *Ibid.*
34. *Morning Chronicle*, 19 May 1856.
35. *Toronto Daily Leader*, 16 May 1856.
36. *Morning Chronicle*, 19 May 1856.
37. *Ibid.*
38. *Toronto Daily Leader*, 16 May 1856.
39. *Morning Chronicle*, 19 May 1856.
40. *Ibid.*
41. *Toronto Daily Leader*, 16 May 1856. This newspaper may have wrongly attributed this speech to Mr. Hartman. It appears from the report of *Morning Chronicle*, 16 May 1856, that the only other member who spoke on this question was Mr. Powell; however, there is not enough evidence in either source to positively affirm that this statement was made by that member.
42. *Morning Chronicle*, 19 May 1856.
43. *Toronto Daily Leader*, 16 May 1856.
44. *Morning Chronicle*, 19 May 1856.
45. *Ibid.*
46. *Globe*, 14 May 1856. *Toronto Daily Leader*, 16 May 1856, only reports the name of Mr. Larwill.
47. *Globe*, 14 May 1856. *Toronto Daily Leader*, 16 May 1856, only reports the name of Mr. H. Smith.
48. *Globe*, 14 May 1856.
49. *Ibid.*
50. *Ibid.*
51. *Ibid.*
52. *Globe*, 14 May 1856, reports that the Committee rose "after a slight discussion".
53. *Globe*, 14 May 1856.
54. *Ibid.*
55. *Toronto Daily Leader*, 16 May 1856.
56. *Globe*, 14 May 1856. In a commentary, *Montreal Transcript*, 13 May 1856, reports the text of the new clause, as follows: "Every corporation organized under this act shall be capable of taking, receiving, or holding any property, real or personal, by virtue of any devise or bequest; but, any real property so devised or bequeathed, unless required for use and occupation

of such corporation, shall be sold and disposed of within six months from the time when such corporation shall come into possession thereof; and no person, at his death having a wife, child, or parent, shall devise or bequeath to any such corporation more than one-fourth of his estate, after the payment of his debts; and no such devise or bequest in any such case shall be valid for more than one-fourth of such estate; and no devise or bequest in favour of any such corporation shall be valid if made in any will not executed at least six months before the death of the testator." This commentary also reports the original provisions of the bill.

57. *Globe*, 14 May 1856.
58. *Toronto Daily Leader*, 16 May 1856.
59. *Globe*, 14 May 1856.
60. *Ibid.*
61. *Toronto Daily Leader*, 16 May 1856.
62. *Globe*, 14 May 1856.
63. *Ibid.*
64. *Ibid.*
65. *Toronto Daily Leader*, 16 May 1856.
66. *Globe*, 14 May 1856.
67. *Toronto Daily Leader*, 16 May 1856.
68. *Globe*, 14 May 1856. It appears from the report of *Toronto Daily Leader*, 16 May 1856, that Mr. Drummond read the provisions of the law he was referring to. However, these provisions are identical to those of the additional clause he moved to the Bill now under discussion, which do not in any way address the issue here raised by Mr. Brown.
69. *Globe*, 14 May 1856.
70. *Toronto Daily Leader*, 16 May 1856.
71. *Ibid.*
72. *Globe*, 14 May 1856.
73. *Toronto Daily Leader*, 16 May 1856.
74. *Pilot*, 16 May 1856.
75. *Globe*, 14 May 1856.
76. *Ibid.*
77. *Toronto Daily Leader*, 16 May 1856.
78. *Globe*, 14 May 1856.
79. *Ibid.*
80. *Toronto Daily Leader*, 16 May 1856.
81. *Globe*, 14 May 1856.
82. *Toronto Daily Leader*, 16 May 1856.
83. *Globe*, 14 May 1856.
84. *Toronto Daily Leader*, 16 May 1856.
85. *Globe*, 14 May 1856.
86. *Toronto Daily Leader*, 16 May 1856.
87. *Ibid.*
88. *Globe*, 14 May 1856.
89. *Ibid.*
90. *Ibid.*
91. *Ibid.*
92. *Globe*, 14 May 1856. A commentary in this newspaper reports Mr. Turcotte "agreed that the ministry were acting in a very strange manner in regard to this bill, and intimated that they were removing one of the great questions upon which the democrats of Upper and Lower Canada differed."
93. *Globe*, 14 May 1856.
94. *Toronto Daily Leader*, 16 May 1856.
95. *Globe*, 14 May 1856.
96. *Toronto Daily Leader*, 16 May 1856.
97. *Globe*, 14 May 1856.
98. *Ibid.*
99. *Ibid.*
100. *Globe*, 15 May 1856.
101. *Ibid.*
102. *Ibid.*
103. *Ibid.*

104. *Globe*, 15 May 1856.
105. *Toronto Daily Leader*, 16 May 1856.
106. *Ibid.*
107. *Ibid.*
108. *Globe*, 15 May 1856.
109. *Ibid.*
110. *Ibid.*
111. *Ibid.*
112. *Ibid.*
113. *Ibid.*
114. *Ibid.*
115. *Toronto Daily Leader*, 16 May 1856.
116. *Ibid.*
117. *Globe*, 15 May 1856.
118. *Toronto Daily Leader*, 16 May 1856.
119. *Globe*, 15 May 1856.
120. *Toronto Daily Leader*, 16 May 1856.
121. *Globe*, 15 May 1856.
122. *Toronto Daily Leader*, 16 May 1856.
123. *Ibid.*
124. *Ibid.*
125. *Ibid.*
126. *Ibid.*
127. *Globe*, 15 May 1856.
128. *Toronto Daily Leader*, 16 May 1856.
129. *Toronto Daily Leader*, 16 May 1856. According to the resolutions reported in the *Journals* of 9 June 1856, and to the tables of supplies in the *Journals* Index, the proper amount for this item should be £3,561.
130. *Toronto Daily Leader*, 16 May 1856. The tables in the *Journals* Index include an item which is not given in this list. The item reads as follows: "Required for purchase of Arms, Accoutrements, and Ammunition, for the Militia of Canada, £10,000". This item is referred to by the next speaker, Mr. Mackenzie.
131. *Globe*, 15 May 1856.
132. *Ibid.*
133. *Globe*, 15 May 1856. It is impossible to ascertain which items this note refers to, the amounts given in the list reported in *Toronto Daily Leader*, 16 May 1856, being identical to those included in the tables of supplies in the *Journals* Index.
134. *Globe*, 15 May 1856. No such amount is reported either in *Toronto Daily Leader*, 16 May 1856, or in the *Journals* Index. The amount given in all sources for the salaries of the two Inspecting field officers is of £200 each.
135. *Toronto Daily Leader*, 16 May 1856.
136. *Globe*, 15 May 1856.
137. *Ibid.*
138. *Ibid.*
139. *Ibid.*
140. *Ibid.*
141. *Ibid.*
142. *Ibid.*
143. *Toronto Daily Leader*, 16 May 1856.
144. *Globe*, 15 May 1856.
145. *Toronto Daily Leader*, 16 May 1856. Although this paper reports that the items listed in this excerpt and in the following have been carried in Committee, several figures in this table differ from those reported in the *Journals* Index, and from the resolutions reported in the *Journals* of 9 June 1856.
146. *Toronto Daily Leader*, 16 May 1856.
147. *Ibid.*
148. *Toronto Daily Leader*, 16 May 1856. *Globe*, 15 May 1856, reports that "£64,450 were voted as expenses of the Legislative Assembly; £3,374 19s 6d, expenses of various Public Departments; £2,950 15s 0d for the Department of Public Works; and various other items."
149. *Toronto Daily Leader*, 16 May 1856.
150. *Globe*, 15 May 1856.
151. *Toronto Daily Leader*, 16 May 1856.

152. *Globe*, 15 May 1856.
153. *Toronto Daily Leader*, 16 May 1856.
154. *Ibid.*
155. *Globe*, 15 May 1856.
156. *Ibid.*
157. *Toronto Daily Leader*, 16 May 1856.
158. *Ibid.*
159. *Ibid.*
160. *Ibid.*
161. *Ibid.*
162. *Globe*, 15 May 1856.
163. *Ibid.*
164. *Ibid.*
165. *Ibid.*
166. *Ibid.*
167. *Globe*, 15 May 1856, reports the House adjourned "at twelve o'clock".
168. *Globe*, 14 May 1856.
169. *Ibid.*
170. *Ibid.*
171. *Ibid.*
172. *Ibid.*
173. *Ibid.*
174. *Ibid.*

WEDNESDAY, 14 MAY 1856

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THE following Petitions were severally brought up, and laid on the table: —

By Mr. *Dionne*, — The Petition of the Municipality of the Parish of *L'Isle Verte*; and the Petition of *Ruben Côté* and others, of the Parish of *St. Jean Baptiste de L'Isle Verte*.

By Mr. *Matheson*, — The Petition of the Town Council of the Town of *Woodstock*.

By Mr. *Taché*, — The Petition of the Municipality of the Parish of *St. Eloi*.

By Mr. *Fournier*, — The Petition of *Louis Fournier* and others, of the Parish of *St. Jean Port-Joli*.

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By Mr. *Casault*, — The Petition of the Reverend *Louis A. Martel* and others, of the Township of *Settrington*; and the Petition of the Municipality of the Township of *Settrington*.

By the Honorable Mr. *Merritt*, — The Petition of *Peter B. Nelles* and others, Members of the United Church of *England* and *Ireland*, of the Parish of *Grimsby*.

By Mr. *Gould*, — The Petition of the Municipality of the Township of *Brock*.

By Mr. *Bourassa*, — The Petition of *J. Bissonnette* and others, of *St. Valentin*; and the Petition of *Bénoni Clonâtre* and others, of *St. Valentin*.

Pursuant to the Order of the day, the following Petitions were read: —

Of the Reverend *J. Sasseville* and others, of *St. Basile*; of *A. Plamondon* and others; and of *A. Gelin* and others, of *St. Barnabé*; praying that no further guarantee may be given to the Grand Trunk Railway Company, and that the claim of the North Shore Railway Company should, as a right, be favourably considered by the Government.

Of the Municipality of the Township of *Elgin*; of *Z. Marchand* and others, of *Blanford*; of *H. Foudreault* and others, of *St. Jean Deschaillons*; and of *D. Mailhiot* and others, of *St. Edouard de Gentilly*; praying that no further guarantee may be given to the Grand Trunk Railway Company.

Of *L'Institut de Vaudreuil*; praying for aid.

Of the Reverend *T. Brassard* and others, of the County of *Soulanges*; praying that the said County may remain annexed to the District of *Montreal* for judicial purposes.

Of the Mayor, Aldermen, and Commonalty of the City of *Hamilton*; and of the Municipality of *Caledonia*, County of *Haldimand*; praying that the Bill now before the House, to incorporate the *Norfolk, Brant, and Wentworth* Railway Company, may not become Law.

Of the Right Reverend the Lord Bishop of *Quebec* and others, of the City of *Quebec*; praying for the abolition of Sunday labor in the Post Office Department, and on the *St. Lawrence* Canals.

Of *E.L. Montizambert*, Attorney, on behalf of *Adolphe de Puibusque* and *Elizabeth Taylor* his wife, of the City of *Paris*, in the Empire of *France*, and others; representing that the said *A. de Puibusque* and others, are Plaintiffs in an action against the Principal Officers of Her Majesty's Ordinance, now pending in the Superior Court of *Lower Canada*, for damages for land taken from them by the said Officers, and praying that the Bill for transferring to one of Her Majesty's Principal Secretaries of State, the powers and estates in this Province heretofore vested in the Principal Officers of Her Majesty's Ordinance, may not become Law, until their claim shall have been satisfied.

Of *J.B. Charland* and others, of *St. Jean Deschaillons*; praying that the County of *Lotbinière* may not be annexed to the Counties of *Mégantic* and *Arthabaska* for judicial purposes.

On motion of Mr. *Foley*, seconded by Mr. *Frazer*,

Ordered, That the Petition of *Daniel Snyder* and others, of the Village of *Waterloo*, be now received and read, notwithstanding the expiration of the time fixed by the Rules of this House for the reception of Petitions for Private or Local Bills.

And the same was received and read; praying that the Village of *Waterloo* may be incorporated.

Mr. Price reported from the Select Committee on the Bill for the preservation of Salmon in the Rivers *St. Lawrence* and *Saguenay*, and their tributaries, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House.

[On motion of] MR. PRICE,¹

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Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Casault* reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time To-morrow.

MR. HOLTON presented a Report from the Public Accounts Committee, which he said had been drawn up by his colleague, Mr. Young, before leaving town. Throughout the session his hon. friend had devoted himself with energy and industry to the examination of the most vicious system of departmental management that ever disgraced any country, enjoying free institutions. This report was the result of his labours, and he would move that it be printed, and that the Rule of the house requiring such a motion to be referred to the Standing Committee on Printing be dispensed with.² He thought it important that the printed report should be in the hands of members before some of the estimates were passed.³ The evidence accompanying the report by the very able Auditor General, Mr. Langton, and by the Deputy Receiver General, Mr. Anderson, would expose to the country a system of the most deplorable irregularity. The country would be startled when the report and accompanying evidence were printed.⁴

MR. SOL. GEN. D. ROSS did not see why the rule should be dispensed with. The motion could go in the ordinary way to the Printing Committee, and be reported on to-morrow.⁵

MR. HOLTON said if the Solicitor General should press his objection, he should be compelled to put another motion⁶, which would bring the subject at once and directly before the house.⁷ He thought it strange and highly improper that the Government should oppose it.⁸ Were the chiefs of the administration in their places, he did not think they would take the responsibility of endeavouring to suppress facts in this way.⁹

MR. SOL. GEN. D. ROSS said the member for Montreal need not think to bully him.¹⁰ The Government had not opposed the motion. None of the members of the Cabinet were in their places when he raised his objection, which he did, as an individual member. He certainly did regard with suspicion the attempt made in certain quarters to press on motions, and take the House by surprise in the absence of ministers.¹¹

MR. HOLTON had waited till the last moment for ministers to come in. He had no desire to take the House by surprise.¹²

MR. AT. GEN. DRUMMOND having entered the house at this point,¹³

MR. BROWN strongly censured the Solicitor General for objecting to the [sic] motion.¹⁴ He was sure the Attorney General would not think for a moment of opposing it.¹⁵ It was due to the House that the report should be printed forthwith; for¹⁶ he understood the most astounding disclosures were made in the report, statements of facts of which he believed the Attorney General and probably others, of his colleagues, could not be cognizant. One fact he had heard was that no less than £100,000 of the public money had been drawn from the bankers of the Province without the knowledge of the Receiver General, that £33,000 had been drawn by the head of one department, and other sums by the heads of other

departments, amounting altogether to £100,000. He understood also that large contracts had been given to parties for large amounts and for a series of years, without any tenders being called for, and that a large increase had been made on previous contracts¹⁷, without the public knowing anything about it. Such a state of things was monstrous.¹⁸ He was sure the Government could not resist the motion for printing the report.¹⁹

MR. AT. GEN. DRUMMOND. — The Government have not resisted it.²⁰

MR. BROWN. — The Solicitor General East resisted it, before the Attorney General came in.²¹

MR. AT. GEN. DRUMMOND. — I had not the slightest intimation of the matter till now.²²

MR. BROWN said, that this just corroborated what he had said, that several members of the Government were in perfect ignorance of the state of the public departments, and the circumstance of the Attorney General's getting up and saying that he did not know the facts stated in the report, showed the necessity there was for its being printed at once.²³

MR. AT. GEN. DRUMMOND ... admired the vigilance of the Solicitor General East²⁴. [He] thought the Solicitor General was quite right in requiring some sufficient reason to be given for suspending any rule of the House; but as the members for Lambton and Montreal had given such a reason, he doubted not his hon. friend would withdraw his opposition to the immediate printing of the report.²⁵

MR. SICOTTE the SPEAKER said it was not necessary that motions for printing the reports of standing committees of the house should be referred to the committee on printing.²⁶

MR. SOL. GEN. H. SMITH considered it was a matter of privilege that the report of every standing committee, and the evidence which sustained it, should be printed as a matter of course. At the same time he could understand why the Solicitor General East should have thought it necessary to be vigilant, as one of the reports coming from that committee this session had cast censure on the Receiver General.²⁷

The motion then passed without opposition.²⁸

(508)

Mr. Holton, from the Standing Committee on Public Accounts, presented to the House the Fourth Report of the said Committee; which was read.

For the said Report, see Appendix (No. 30.)

Ordered, That the said Report be printed for the use of the Members of this House.

Mr. Jobin, from the Standing Committee on Contingencies, presented to the House the Sixth Report of the said Committee; which was read, as followeth: —

Your Committee proceeded to consider the Resolution referred to them by your Honorable House, on the subject-matter of the agreement entered into with *Paul Kane* in the month of August 1851, who was to furnish this House with twelve Oil Paintings, and for which he was to receive the sum of Five hundred pounds.

The Accountant laid before Your Committee the receipt of *Paul Kane* for the said sum of Five hundred pounds in full, and in which he engages to deliver, when called upon, twelve Pictures mentioned in a list signed by Lord *Mark Kerr*, *S. Derbishire*, and *A. T. Hamilton*, Esquires; and offering as his guarantee for so doing, the Honorable *M. Cameron*.

Your Committee recommend that the Clerk do forthwith call upon *Mr. Kane* for the execution of his agreement in the premises, and in case of non-compliance, to inform him and his security of judiciary proceedings.

Your Committee have also considered the Petition of *Rollo Campbell* and *Louis Perrault*, Printers of the Journals of Your Honorable House, praying to be remunerated for expenses incurred by them in moving from *Quebec* to *Toronto*.

Your Committee entertain no doubt that a heavy expense attended the removal of the material connected with the establishment of Messrs. *Campbell* and *Perrault*, but as these parties must have been aware that such would be the case when they took the contract, while in *Quebec*, Your Committee cannot, under the circumstances, recommend a favorable consideration to the prayer of their Petition.

Ordered, That the said Report be printed for the use of the Members of this House.

Ordered, That the said Report be taken into consideration on Friday next.

MR. CAMERON moved, that the Bill to enable the Standing Committee on Private Bills to examine witnesses under oath, be read a first time. He would like to call the attention of the Government to this measure, with a view to its being read a second time forthwith. It contained but one clause, and it had been reported by the Standing Committee on Private Bills. Cases were constantly coming before the Private Bills Committee connected with Real Estate and various matters of great personal interest, and on several occasions the most conflicting statements have been laid before that Committee, caused by there being a want of power to examine the witnesses on oath. The practice in England was very different; there, when questions came before the House of Lords, the witnesses are sworn at its bar, and examined upon oath, and where legal questions arise, they are referred to either one or more of the Judges; but there was no such system in force here. That necessity had been so strongly felt by the Committee, that they had unanimously proposed a single clause giving to the Standing Committees of both Houses the right to examine witnesses upon oath, and persons giving false testimony under those circumstances should be liable to the charge of perjury. He hoped the Bill would be read a second time forthwith.²⁹

MR. AT. GEN. DRUMMOND said, this was a most important measure. He did not conceive that there was the slightest objection to it. Very frequently a Private Bill Committee was called on to enquire into matters which it was indispensable should be supported by reliable evidence.³⁰

MR. WILSON would suggest that the measure should extend to all Committees.³¹

MR. MERRITT objected to the second reading being gone on with at this time. The bill affirmed a new principle and should not be hurriedly adopted.³²

MR. RANKIN said there were other committees to which, if the principle were a correct one, it ought to be applied.³³ It should extend to the Railway Committee before which more important matters affecting the expenditure of money and the acquisition of property came than the Private Bills Committee.³⁴ The principle should be generally applied to all committees.³⁵

After some discussion, the Bill was ordered to be read a second time³⁶ to-morrow.³⁷

(508)

Ordered, That the Honorable Mr. *Cameron* have leave to bring in a Bill to enable the Standing Committees on Private Bills of the Legislative Council and Assembly, to examine witnesses on oath.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow, and be then the first Order of the day.

The Honorable Mr. *Cartier*, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth: —

(509)

Edmund Head.

The Governor General transmits to the Legislative Assembly, Supplementary Estimates of the Sums required for the Public Service of the present year; and in conformity with the provisions

of the fifty-seventh Section of the Union Act, he recommends these Estimates to the Legislative Assembly.

Government House,
Toronto, 14th May, 1856.

For the said Supplementary Estimates, see Appendix (No. 30.)

Ordered, That the said Message, and the accompanying Supplementary Estimates, be referred to the Committee of Supply.

On motion of the Honorable Mr. Attorney General *Drummond*, seconded by the Honorable Mr. *Lemieux*,

Ordered, That the Orders of the day be now read.

The Order of the day for the second reading of the Bill to incorporate the *British Bank of Canada*, being read;

[On motion of] MR. BOWES³⁸,

(509)

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

MR. SOL. GEN. D. ROSS moved the third reading of the bill to better provide for organizing Agricultural Societies in Lower Canada.³⁹

MR. GALT moved a proviso that the rural portions of the town of Sherbrooke should be ranked as a county, and entitled to an agricultural society. The township of Ascot and Oxford formed part of the constituency of Sherbrooke; but under the present bill would be deprived of a society.⁴⁰

MR. SOL. GEN. D. ROSS thought it would be better to add this township to the adjoining county of Compton.⁴¹

MR. FELTON supported Mr. Galt's amendment.⁴²

After some further discussion, the ... [consideration] of the bill was postponed till to-morrow.⁴³

(509)

A Bill to amend the Act 16 *Vic.* cap. 13, intituled, "An Act to provide for the better organization of Agricultural Societies in *Lower Canada*, and for other purposes connected with Agriculture in *Upper* and *Lower Canada*," was, according to Order, read the third time.

Ordered, That the further consideration of the Bill be postponed until To-morrow.

[On motion of] CAPT. RHODES⁴⁴,

(509)

A Bill to amend the Act to incorporate the *Quebec* and *St. Francis* Mining and Exploring Company, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. *Rhodes* do carry the Bill to the Legislative Council, and desire their concurrence.

[On motion of] MR. AIKINS, in absence of Mr. Freeman⁴⁵,

(509)

A Bill for the construction of Water Works in the City of *Hamilton*, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. *Freeman* do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to incorporate the Town of *Clifton*, being read;

The Honorable Mr. *Morrison* moved, seconded by Mr. Solicitor General *Smith*, and the Question being proposed, That the Bill be now read the third time;

MR. CHISHOLM moved the reference of the report back to the committee of the whole, to restrict the limits of the Town. He said that the bill proposed to incorporate a place as a Town, which had but 50 ratepayers, and whose incorporation would be a serious injury to the Township of Stamford.⁴⁶

MR. J. MORRISON said the bill was opposed by a large number of the largest property holders in the place. The object of the bill was, among other things, to protect from fraud the thousands of visitors who annually went to this place.⁴⁷

MR. MERRITT asked why the people did not take advantage of the Municipal Act? Only yesterday a bill had been rejected of an exactly similar character, and he could not see the propriety of reversing that decision to-day.⁴⁸

DR. FRAZER supported the bill. It was actually necessary for the protection of the people of this part, and was one of these exceptional cases which called for legislation.⁴⁹ The special act passed in the last Parliament had failed to secure to the public generally, and that locality in particular, that protection [sic] to the community which was expected to be derived from it. The municipal authorities living at a distance from the locality included in this Bill, serious inconveniences [sic] arose from the want of municipal or magisterial control. From the rapid progress in population and great prosperity of the village since the construction of the Great Western Railway and Suspension Bridge across the Niagara River, and future prospects of increasing prosperity in that locality, much good might be expected to be derived socially and otherwise, without any material detriment to any interest whatsoever. There was a clause added to the Bill in the committee, securing to the people of Drummondville the right to the frontier at any time that they might choose to become incorporated, and have their own boundaries defined by a commission. That right being secured, he could now more cordially agree to support the Bill, otherwise he might have voted against such extended boundaries as are given by the Bill. This act is one that, under any circumstances, was much wanted for immediate protection to the public, and for the advancement of the social and material prosperity and interests of that thriving locality. Much advantage might be expected to be derived from it. Local improvements would arise that would add to the general well-being of the entire township, and he had no doubt that, whatever opposition may have temporarily sprung up, it would speedily be allayed when the people see the advantages it will bring to them in general prosperity and wealth. He well knew from what source this opposition had arisen, and the spring of action of the member for Halton. He might as well look after his own house, and put that in order before he looked after that of his neighbours.⁵⁰

CAPT. RHODES said the bill was one of more than local interest. Visitors from every part of the country were wont to resort to the Niagara Falls, and very great inconvenience was felt for want of municipal action. He hoped members for Lower Canada would join him in supporting the measure.⁵¹

MR. RANKIN concurred in this opinion. If the Town of Drummondville had lacked the energy for the last fifty years to so increase their prosperity as to entitle them to an Act of Incorporation, they were not entitled to the protection of this House⁵².

MR. GAMBLE regarded this as one of their parish matters, which should be left to the general act.⁵³

MR. CHISHOLM insisted that the whole number of ratepayers in the place proposed to be incorporated, was but 50.⁵⁴

MR. MACKENZIE thought some means should be adopted to protect the great number of visitors who resorted to the Falls. An efficient municipal government was there required, and he would vote for the bill.⁵⁵

MR. HOLTON took the same view.⁵⁶

The motion in amendment was put⁵⁷.

(509)

Mr. *Chisholm* moved in amendment to the Question, seconded by Mr. *Ferres*, That all the words after "now" to the end of the Question be left out, and the words "recommitted to a Committee of the whole House, with Instructions to restrict the limits of the said Town on the south to the line between Lots 109 and 112, and between Lots 110 and 111 on the *Niagara* River, thereby comprising in the limits five Lots on the River instead of ten, being a frontage of two miles" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

(510)

YEA.

Mr. *Chisholm*. — (1.)

NAYS.

Messieurs *Aikins*, *Bell*, *Bourassa*, *Brodeur*, *Brown*, *Bureau*, *Burton*, *Cameron*, *Cartier*, *Casault*, *Cauchon*, *Cayley*, *Chabot*, *Clarke*, *Conger*, *Cook*, *Crawford*, *Charles Daoust*, *Darche*, *Desaulniers*, *Dionne*, *Jean B.E. Dorion*, *Dostaler*, *Dufresne*, *Evanturel*, *Fergusson*, *Foley*, *Thomas Fortier*, *Octave C. Fortier*, *Fournier*, *Frazer*, *Galt*, *Gill*, *Gould*, *Guévremont*, *Holton*, *Jobin*, *Lemieux*, *Roderick McDonald*, *Mackenzie*, *McCann*, *Masson*, *Mattice*, *Meagher*, *Joseph C. Morrison*, *Munro*, *O'Farrell*, *Papin*, *Patrick*, *Poulin*, *Pouliot*, *Prévost*, *Rankin*, *Rhodes*, *Roblin*, *Solicitor General Ross*, *James Ross*, *Sanborn*, *Scatcherd*, *Solicitor General Smith*, *Sidney Smith*, *James Smith*, *Somerville*, *Southwick*, *Spence*, *Stevenson*, *Thibaudeau*, *Valois*, *Wilson*, and *Wright*. — (70.)

So it passed in the Negative.

MR. MERRITT said he had frequently visited the Suspension Bridge, and there was no class of persons more orderly than the cabmon [sic] frequenting that place. The arguments in favor of the bill were based upon a contrary opinion, and it would be seen by the operation of the bill whether any improvement would take place.⁵⁸

The bill was then read a third time and passed.⁵⁹

(510)

Then the main Question being put; the House divided: — And it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. *Morrison* do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of DR. FRAZER⁶⁰,

(510)

A Bill to vest a certain Road allowance in the Township of *Stamford*, in the County of *Welland*, in the Municipality of that Township, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to vest a certain Road allowance in the Township of *Stamford*, in the Township Council."

Ordered, That Mr. *Frazer* do carry the Bill to the Legislative Council, and desire their concurrence.

Mr. *Casault*, from the Committee of the whole House to take into consideration the expediency of making provision for the Salary of an additional Judge of the Circuit Court in *Lower*

Canada, such Salary not to exceed the sum of Six hundred and fifty pounds, currency, per annum, reported a Resolution; which was read, as followeth: —

Resolved, That it is expedient that provision be made for the Salary of an additional Judge of the Circuit Court of *Lower Canada*, and that such Salary do not exceed the sum of Six hundred and fifty pounds per annum.

MR. AT. GEN. DRUMMOND moved the concurrence of the house in ... [the] resolution⁶¹.

MR. MACKENZIE opposed this ... [resolution] upon the ground that an extra Judge was not required in Lower Canada.⁶² It was simply taking the public money to weaken the independence of the house, by giving the Government more patronage. He could not say whether the member for Wolfe (Mr. Felton) was to be the new judge. But he knew that that gentleman had voted one way when he came into the house. — (Order, order.) He wished to know who had petitioned, stating that there was a failure of justice, on account of the scarcity of judges? He believed the only foundation for it was the threat addressed to the Government by certain members — “If you don’t carve out offices for us, we will vote against you.” He knew that such a Government as this required to yield to such demands, to preserve their existence. They knew that a horse could not be caught without a pan of barley.⁶³

MR. SANBORN said he did not rise to oppose the ... [resolution], but he thought some explanation was needed from the Attorney General to show the necessity of another circuit judge. He understood that the administration of justice in Lower Canada would give rise to the appointment of resident judges, and that consequently there would be fewer circuits than at present, and that there would be a need for an increase of superior judges, and not of circuit judges.⁶⁴

MR. AT. GEN. DRUMMOND said he had explained this when before the committee⁶⁵. The necessity for this additional judge arose out of the report of the committee to which had been referred bills containing several new circuits. That Committee had reported a bill erecting those circuits but it had been found that the present Judge[s], could not do the work thus imposed on them and a clause in the Bill authorised the appointment of a Judge to do extra work thus imposed on the Circuit Court Bench.⁶⁶ Before this clause could be passed, it was necessary to go again into committee. But the determination of the Government was to defer the appointment of this judge if possible for the present.⁶⁷ But he feared it was not possible to avoid it, as the circuit judges were over-wrought.⁶⁸ He would not answer the remarks of the hon. member for Haldimand, because the object of that gentleman seemed to be to delay the business of the House, and thus consume far more time in the discussion of this bill than the salary of the judge, by repeating the same arguments over and over again. He hoped this explanation would satisfy the hon. member for Compton. That hon. gentleman must see that this appointment can have no connexion with the other measure to which he refers, because it cannot come into operation for some time; while in fact the judges were unable to perform all the work devolving on them.⁶⁹

The motion was carried⁷⁰.

(510)

The said Resolution being read a second time; and the Question being put, That this House doth agree with the Committee in the said Resolution; the House divided: and the names being called for, they were taken down, as follow: —

(510-511)

YEAS.

Messieurs *Bell, Biggar, Brodeur, Bureau, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Conger, Cook, Charles Daoust, Desaulniers, Dionne, Jean B.E. Dorion, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Ferres, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Holton, Jobin, Labelle, Larwill, Lemieux, Macbeth, Attorney General Macdonald, McCann, Marchildon, Masson, Mattice, Meagher, Munro, O'Farrell, Papin, Pouliot, Prévost, Price, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Sanborn,*

Shaw, Solicitor General Smith, Sidney Smith, Somerville, Spence, Stevenson, Thibaudeau, Valois, and Whitney. — (64.)

(511)

NAYS.

Messieurs *Aikins, Bourassa, Brown, Christie, Darche, Fergusson, Frazer, Gould, Jackson, Mackenzie, Patrick, Poulin, Southwick, Wilson, and Wright.* — (15.)

So it was resolved in the Affirmative.

Ordered, That the said Resolution be referred to the Committee of the whole House on the Bill to establish a Circuit Court in and for the County of *Huntingdon* and part of the County of *Chateauguay*, with power to make provision in the Bill pursuant thereto.

A Message from the Legislative Council, by *John Fennings Taylor*, Esquire, one of the Masters in Chancery: —

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz: —

Bill, intituled, "An Act to amend the Acts relating to *La Banque du Peuple*:"

Bill, intituled, "An Act to amend the Act incorporating the *Stratford and Huron* Railway Company:"

Bill, intituled, "An Act to vest in *John Farley*, the younger, a certain allowance for Road in the Township of *Darlington*:"

Bill, intituled, "An Act to vest in *James Taunton* a certain allowance for Road in the Township of *Southwold*:"

Bill, intituled, "An Act to incorporate certain persons under the name and style of the *Canada North-West* Railway Company:"

Bill, intituled, "An Act to amend the Acts imposing Duties of Customs:"

Bill, intituled, "An Act to amend the Common School Laws, and further to promote Elementary Education in *Lower Canada*:"

And then he withdrew.

The House, according to Order, again resolved itself into a Committee on the Bill to establish a Circuit Court in and for the County of *Huntingdon* and part of the County of *Chateauguay*;

MR. PAPIN objected to the arrangement of the L'Assomption circuit, as operating unfairly against his constituents.⁷¹

MR. DUFRESNE defended it as a matter of justice to Montcalm.⁷²

MR. C. DAOUST of Beauharnois urged at some length the propriety of the removal of the seat of the Court of Beauharnois from Ste. Martine to St. Clement de Beauharnois, and moved an amendment to that effect.⁷³

MR. AT. GEN. DRUMMOND urged that the seat of the Court had been originally placed properly at Ste. Martine through the influence of the [then] county member, Mr. DeWitt. That in the new division into districts St. Clement de Beauharnois could not be made a judicial centre, while Ste. Martine could be so. A House had been put up for the purpose at St[e]. Martine, and was under lease to the Government.⁷⁴

DR. MASSON thought St. Clement de Beauharnois was the proper place. The Court was there originally, and ought never to have been taken away.⁷⁵

Mr. Daoust's amendment was lost on a division.⁷⁶

It being 6 o'clock MR. SICOTTE the SPEAKER left the chair.⁷⁷

[After the recess,]

MR. SICOTTE the SPEAKER ... called Mr. Casault to the chair of the Committee.⁷⁸

MR. SANBORN moved to amend the law so as to abolish the provision giving a right to a creditor to sue a debtor in the place where the debt was contracted. The effect of the present law was to concentrate law business in the great cities where the great amount of mercantile business is done. It was opposed to the spirit of decentralization, which was now so popular, and which they were about to communicate to the Judicial institution[s].⁷⁹

MR. FELTON supported the amendment.⁸⁰

MR. CHABOT opposed it. The debtor was bound to go to the creditor to pay his debt to him; not the creditor to run after the debtor. It would be a great hardship for creditors to send their clerks great distances all over the Province, and to employ lawyers in every district. This was the most expensive mode of collecting debts, and its introduction would lead to a restriction of credits on the part of city merchants to persons living at a distance. The proposed amendment was opposed to first principles in the law. Since the time of the Romans it was the debtor who was in default, not the creditor. The hardship incidental to the collection of debts should not be thrown upon the men guilty of no fault, and taken off the shoulders of the men in default. Suppose country people sold to a city merchant, would it not be a hardship that they should go to the expense of ... two or three journeys to town to collect the price of it.⁸¹

MR. TURCOTTE thought the principle of the present law an unjust one; and the learned member, who had just sat down, had erred in attributing it to the law of the Romans. It was a maxim with them that the creditor must seek his debtor. He thought this was not a proper time to introduce such a measure as that proposed into the House. But when the Attorney General brought in his bill for the decentralization of the judiciary, a provision of this sort might be introduced into it.⁸²

MR. HOLTON opposed the motion as unjust. The people of Upper Canada would be surprised to hear of the adoption of a principle which would prevent a creditor from collecting his debt at the place where it was contracted. That was the place where it could be most conveniently collected.⁸³

MR. PROV. SEC. CARTIER said the maxim of the Roman law was embodied in the French law, with this modification, that the debtor elected a domicile for the execution of his contract at the place where he contracted the debt. Any other principle than the payment or collection of the debt at the place where the debt is contracted was opposed to first principles.⁸⁴ Pothier laid it down as a maxim that the debtor must seek out his creditor to make his payment.⁸⁵

MR. AT. GEN. DRUMMOND did not expect to discuss the question on this bill; but as so much had been said he felt himself bound to say that, while he should oppose the introduction of this clause into the present bill, he did not think that there could be a complete system of decentralisation without changing the present law in this regard. It operated on injustice which should be remedied whenever the judiciary was decentralised.⁸⁶

MR. SANBORN in reply supported his amendment at some length. They were not to copy Upper Canada in all things. The principle of the Roman law was much more just than that of England. The present system was calculated to build up the bar of the cities at the expense of the bar of the people of the rural districts.⁸⁷

MR. GALT trusted that after the argument of the Attorney General this amendment would be passed, and justice done to the rural districts of Lower Canada. He appealed to all the representations of the rural constituencies to support this act of justice to their constituents.⁸⁸

MR. HOLTON. — That is an appeal to prejudice.⁸⁹

MR. GALT. — And were not all the arguments of the hon. members formed upon prejudice in favor of city creditors? The only man who had risen above prejudice in the matter was the Hon. Attorney General, who, though a distinguished member of the Montreal bar, was yet prepared to do justice to the country people.⁹⁰

MR. MARCHILDON supported the motion at some length.⁹¹

MR. PAPIN thought that the principle of the amendment for [sic] the member for Compton was a good one, except in commercial cases. Suppose for instance, his friend the member for Champlain were a merchant in Montreal, and had twenty different debtors who had made purchases from him in twenty different circuits, should he be compelled to go to each, or send his clerk to circuit Courts in all the districts of Montreal, by Three-Rivers and Quebec, to prove his debts, or adopt the expensive and uncertain mode of proceeding by commission. The mere annunciation [sic] of such a proposition should show the absurdity of the scheme. Hon. members spoke in plaintive terms of the poor debtor. Why the proposed amendment of the law would do him an injury, if a clerk had to be sent forty or fifty miles to prove a debt, instead of proving it at home — at whose expense would he travel — why at the expense, and adding to the hardships suffered by the poor debtor whom they pitied so much.⁹²

The amendment was put and lost.⁹³

After some further discussion the Committee rose and reported the bill⁹⁴.

(511) and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. *Casault* reported, That the Committee had gone through the Bill, and made amendments thereunto.

MR. AT. GEN. DRUMMOND moved that the Report of the Committee be now received.⁹⁵

(511) And the Question being proposed, That the Report be now received;

Mr. *Sanborn* moved in amendment to the Question, seconded by Mr. *Galt*, That all the words after "That" to the end of the Question be left out, and the words "the Bill be now recommended to a Committee of the whole House, with Instructions to insert the following Clause: "Thereafter no person shall be sued or impleaded, or held to answer to any suit or action in the Circuit or Superior Court for *Lower Canada*, unless such person shall be domiciled within the District or Circuit where such suit or action is commenced" inserted instead thereof;

(512) And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Bell, Biggar, Bourassa, Bureau, Chapais, Christie, Jean B.E. Dorion, Felton, Ferres, Galt, Gill, Guévremont, Hartman, Labelle, Laberge, Roderick McDonald, Mackenzie, Marchildon, Merritt, O'Farrell, Polette, Poulin, Prévost, Rhodes, Sanborn, Scatcherd, Sidney Smith, James Smith, and Wright*. — (29.)

NAYS.

Messieurs *Alleyn, Bowes, Brodeur, Brown, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chisholm, Church, Conger, Cook, Charles Daoust, Jean B. Daoust, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Foley, Octave C. Fortier, Fournier, Gamble, Holton, Jobin, Laporte, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, McCann, Matheson, Mattice, Munro, Papin, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Spence, Stevenson, Thibaudeau, and Yeilding*. — (46.)

So it passed in the Negative.⁹⁶

And the Question being again proposed, That the Report be now received;

MR. BUREAU moved an amendment which was ruled out of order.⁹⁷

(512)

Mr. *Papin* moved in amendment to the Question, seconded by Mr. *Bureau*, That all the words after "That" to the end of the Question be left out, and the words "the Bill be recommitted to a Committee of the whole House, with an Instruction to amend the same by leaving out the sixth paragraph of the 6th Clause providing for the establishment of a Circuit in the County of *Montcalm*" inserted instead thereof;

And the Question being put on the the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Bell, Biggar, Bourassa, Brown, Bureau, Casault, Christie, Charles Daoust, Darche, Desaulniers, Foley, Frazer, Galt, Gould, Hartman, Holton, Jackson, Roderick McDonald, Mackenzie, Marchildon, Mattice, Munro, Papin, Poulin, Sanborn, Scatcherd, Sidney Smith, James Smith, Thibaudeau, and Wright.* — (30.)

(512-513)

NAYS.

Messieurs *Alleyn, Bowes, Brodeur, Cameron, Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Conger, Cook, Jean B. Daoust, Dionne, Jean B.E. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Jobin, Labelle, Laporte, LeBoutillier, Lemieux, Lumsden, Attorney General Macdonald, McCann, Masson, Matheson, Meagher, O'Farrell, Polette, Pouliot, Price, Rhodes, Roblin, Solicitor General Ross, Somerville, Southwick, Spence, and Stevenson.* — (48.)

(513)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. *Charles Daoust* moved in amendment to the Question, seconded by Mr. *Jean Baptiste Eric Dorion*, That all the words after "That" to the end of the Question be left out, and the words "the Bill be recommitted to a Committee of the whole House, with an Instruction to amend the same by adding to the fifth paragraph of the 6th Clause, the following Proviso: "Provided that so soon as it shall have been shewn to the satisfaction of the Governor in Council, that suitable accommodation has been provided for the holding of the Circuit Court for the Circuit of *Beauharnois*, at *St. Clement de Beauharnois*, it shall be lawful for the Governor, by Proclamation, to fix the place of *St. Clement de Beauharnois* as the place where the Sittings of the said Circuit Court shall be held for the future" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs *Aikins, Bell, Bourassa, Brown, Bureau, Burton, Christie, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, Jean B.E. Dorion, Dostaler, Ferres, Foley, Frazer, Gould, Hartman, Holton, Huot, Jackson, Jobin, Laberge, Mackenzie, Marchildon, Masson, Munro, Murney, Papin, Poulin, Pouliot, Prévost, Sanborn, Scatcherd, Sidney Smith, James Smith, Thibaudeau, Valois, and Wright.* — (39.)

NAYS.

Messieurs *Alleyn, Biggar, Bowes, Brodeur, Cameron, Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Conger, Cook, Dionne, Attorney General Drummond, Dufresne, Evanturel, Felton, Octave C. Fortier, Fournier, Gamble, Guévremont, Labelle, Laporte, LeBoutillier, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, McCann, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, Polette, Robinson, Solicitor General Ross, James Ross, Shaw, Somerville, Southwick, Spence, Stevenson, Taché, Turcotte, and Whitney.* — (47.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Report be now received.

Mr. *Casault* reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

(514)

Mr. *Bowes* brought up and laid on the table, the Petition of *George Wright* and others; and the Petition of *James Brown, junior, and Company*, and others.

Ordered, That the said Petitions be now received and read; and the Rules of this House suspended as regards the same.

And the same were received and read; praying that the Bill to incorporate certain persons therein named under the style and title of the Millers' Association of *Canada West*, may not become Law.

Ordered, That the said Petitions be referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend the Municipal and Road Act of 1855, being read;

On motion of MR. AT. GEN. DRUMMOND,⁹⁸

(514)

The Bill was accordingly read a second time; and referred to a Select Committee, composed of the Honorable Mr. Attorney General *Drummond*, Mr. *Chapais*, Mr. *Jean Baptiste Eric Dorion*, Mr. *Dufresne*, Mr. *Thomas Fortier*, Mr. *Felton*, Mr. *Ferres*, Mr. *Laberge*, Mr. *Masson*, Mr. *Prévost*, Mr. *Valois*, the Honorable Mr. *Chabot*, and Mr. *Sanborn*, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the House in Committee of Supply, being read;

The Honorable Mr. *Cayley* moved, seconded by the Honorable Mr. Attorney General *Macdonald*, and the Question being proposed, That Mr. Speaker do now leave the Chair;⁹⁹

MR. BROWN said that before going into Committee, the House was entitled to receive from the Inspector General, a statement of his Budget for the year. The hon. gentlemen [sic] had not yet given the house anything like a statement of how he intended to conduct the financial affairs of the country during the year, what amount had been borrowed, what amount he expected to borrow, what amount of money there was in the hands of the Provincial Bankers in England, and in regard to many other points which it was very desirable the house should understand before proceeding to the consideration of the Estimates. Unfortunately, he was out of the house yesterday, when the motion was made for going into Committee of Supply, or he would have suggested this course then. There were several points also in these Supplementary Estimates, in regard to which [sic] the Inspector General should have given the house some information. There was an item of £50,000 "towards erection of Public Buildings in Quebec," said to be "in pursuance of the decision of the Legislature." (Hear, hear.) — They ought to know what was the object of this — to what extent the Government intended to go — if they were determined to put up public buildings in Quebec on a large scale, and if this was the mere commencement, with a view to a further expenditure. (Hear, hear.) — And there were several other items which required explanation, such as "£25,000, towards improvement of Ottawa navigation for 1856." The hon. gentleman ought also to explain how he was to provide the two sums he proposed to appropriate to public works, one of £127,954, and another of £126,550 — whether he was to borrow money for those purposes, or to take it from the public chest. The hon. gentleman ought to give some explanation on these and other points, before the House went into committee.¹⁰⁰

MR. INSP. GEN. CAYLEY said that these matters were more usually explained when the house was in committee. He had looked over the precedents, and found that Chancellors of the Exchequer in England always took that course.¹⁰¹

MR. BROWN said that the course taken in England did not apply here, as no English finance minister ever brought down his tariff first, and not till afterwards explained what he intended to do with the taxes so raised. And the Chancellor of the Exchequer in England, in bringing down the Estimates, always gave a full view of the whole financial affairs of the country, which the hon. Inspector General had failed to do this year as well as last year.¹⁰²

MR. INSP. GEN. CAYLEY. — I made such a statement, which will be found in the *Globe*, as much as a month ago.¹⁰³

MR. BROWN said the hon. gentleman had then given the house a slight peep into his financial position, but he had not then brought down the Estimates.¹⁰⁴

MR. INSP. GEN. CAYLEY said, that, although he could not then go into a detailed statement of the revenue and expenditure, he had made a statement which gentlemen on his side of the house at least, assured him was unusually full. He believed he was following the correct course, in saying that he would make the statements called for in committee.¹⁰⁵

MR. BROWN would remind the hon. Inspector General that on the occasion he referred to, he (the Inspector General,) had stated that he would take some future occasion of more fully explaining his policy¹⁰⁶, [and he] did not think the hon. gentleman was treating the house with the usual courtesy in taking ... [the present] course. But, as he supposed the majority of the house would submit to it, as they were in the habit of doing, he would put into the hands of the Speaker, a motion which he thought necessary at this stage of the proceedings. In the supplementary estimates brought down by the Inspector General, there was an item of £50,000 towards the erection of Public Buildings at Quebec. He thought that this was a matter on which explanations should be given before going into committee. He looked upon it as one of the most important propositions that had been brought before the house this session. It involved not merely a question of money, but the whole policy and political relations of the country. On no question agitated for many years, had there been more feeling excited than on this proposal to remove the Seat of Government to Quebec, away down to the most easterly portion of Lower Canada. He was satisfied, from the manner in which a great number of motions were presented, that the deliberate sense of the house was not obtained on the question of the Seat of Government¹⁰⁷, that the vote declaring that the Seat of Government ought to be fixed in Quebec ... was merely a vote of expediency.¹⁰⁸ The government ought therefore to have submitted distinctly the question of an appropriation for public buildings before taking it into committee, so that the house might have an opportunity of saying whether they really desired that some £200,000 or £300,000 should be spent on public buildings at Quebec. He could not imagine that the house would pronounce it just to the people of this country, to take the Seat of Government to Quebec. It was a most serious question, under what influences the Legislative and administrative affairs of the country were to be conducted in future. And every one must feel that Quebec, cut off for months from connection with other places, and subject to influences of a peculiar nature, was one of the worst places that could be selected for carrying on the business of this great country. He moved: "That the Speaker do not now leave the chair, but that it be resolved that it is inexpedient to appropriate £50,000 for Public Buildings at Quebec, as a Permanent Seat of Government."¹⁰⁹

MR. RANKIN would like to ask the Government whether the House was to regard this £50,000 merely as the first instalment of the £300,000, which the Commissioner of Public Works estimated as the cost of the Parliamentary Buildings. If so why did the [Commissioner] not come down and ask for the full amount at once? It would be far more straightforward and honest to adopt the latter course.¹¹⁰ He thought that this capped the climax of the absurd position taken by the Government upon the question of the Seat of Government. If there was any question upon which any administration ought to give a decided opinion, it was this, which was so very simple that no ten sane men could disagree upon it, and he thought that a Government which could not decide upon this, were not fit to decide upon anything. He went on to review the course taken by the Government in this, and to say that after the vote taken in the house, and the long discussion they had had upon the question, he did not know on what ground they could open the question again. Looking forward as he did to a¹¹¹ federal union of all the British American Provinces,¹¹² as a matter of course, and a mere question of time, he thought that Quebec would be the most favourable place for the Seat of Government, in the event of such a union, and if the Government would pledge themselves to continue the grant, he would be quite contented.¹¹³

MR. AT. GEN. DRUMMOND thought nothing could be more distinct than the proposal of the Government on this question. No Government would be mad enough to bring down an estimate of £50,000, the expenditure of which was to be spread over several years.¹¹⁴

MR. RANKIN. — Would the Government pledge themselves to spend £50,000 next year?¹¹⁵

MR. AT. GEN. DRUMMOND. — He hoped that they would not have to spend so much next year. There was no place where the necessary buildings could be erected at so small an expense as at Quebec, on account of there being already there a dwelling for the Governor General, and buildings which might be made use of for public offices. They had only the halls of legislature to build, which could be erected in a manner that would do credit to the city of Quebec and to the country, at a less expense than was spoken of by the member for Essex. The Government was quite sincere in their desire to carry out the views of the house, and the object of the motion was to enable the Government at once to go on with the appropriation ordered by the house.¹¹⁶

MR. AT. GEN. J.A. MACDONALD rose to a question of order. He did not believe this motion to be in order, as the appropriation was not in charge of the house, but of the Committee, to which the estimates had been referred.¹¹⁷

MR. BROWN said, that however this might be, nothing was more clear than that in matters of supply, it was competent for the house to give any instructions they pleased to the Committee, or to instruct the Committee to take up any of the affairs of the country. It was quite usual in England, on occasions like this, for any member to bring up any motion he pleased. If it was necessary to strike out the £50,000, he would be most happy to do it. Nothing beyond that could possibly be objected to.¹¹⁸

MR. FERRES thought that Quebec was the last place that the Seat of Government ought to go to, and he would vote against all appropriations for that purpose. With regard to the motion now before them, the items had to be disposed of in Committee of Supply. If agreed to, they would be reported to the house, and would then form the fixed sums on which they would give their votes.¹¹⁹

MR. SICOTTE the SPEAKER said that he had great doubts whether the motion was in order. He had no hesitation in declaring that the motion was not in accordance with any Parliamentary rules to be found in the proceedings of the House of Commons.¹²⁰

MR. BROWN then offered to withdraw that part of his motion referring to the grant of £50,000, and hoped that his motion could be then put.¹²¹

MR. SICOTTE the SPEAKER said that that would remove a great deal of the difficulty; but the motion would then be to rescind a former vote of the house, which could not be done.¹²²

MR. BROWN said that he would then move another resolution, which he thought would meet the point. He then moved as follows: — “That the Speaker do not now leave the chair, but that it be resolved that the selection of Quebec as a permanent Seat of Government was occasioned by the failure of the Administration to submit a definite proposition to Parliament for the selection of a proper Seat, and that it is inexpedient to make an appropriation for Public Buildings at Quebec.” He apprehended that in submitting this motion, none of the objections to the former one would prevent its being put.¹²³

MR. SICOTTE the SPEAKER said that although the house had a right to take up any question upon the motion for going into committee of supply, they could not declare that a previous vote of the house was in consideration of the act of the Government. It was presumed that the house could never be in error. He therefore ruled the motion out of order.¹²⁴

MR. GALT then moved as follows: —

"That the Speaker do not now leave the chair, but that an humble address be presented to His Excellency the Governor General, respectfully stating that His Excellency's advisers not having seen fit to recommend to the house a proper place for a permanent Seat of Government, have thereby seriously embar[r]assed this house in arriving at such a decision as may [not] be in conformity with the feelings and interests of a majority of the people of Canada. That under these circumstances they selected the city of Quebec as the place where the Seat of Government should be permanently fixed. That it is their duty to state that this house cannot at present give effect to their resolutions, having due regard to the feelings and interests of Lower Canada."¹²⁵

MR. SOL. GEN. D. ROSS contended that this motion was also out of order, as it cast an aspersion upon Parliament, which was very improper.¹²⁶

MR. SICOTTE the SPEAKER held that the two first parts of the motion were in order, but that the remainder was not so. It was asking the house to rescind a vote already given this session, and was, therefore, out of order.¹²⁷

MR. FOLEY then put an amendment, which he did not think would be liable to the objections which had caused the others to be over-ruled. He moved as follows: — "That the Speaker do not now leave the chair, but that the further consideration of granting a sum of money involved in the estimates in favour of the erection of a permanent seat of Government, should be postponed for one month."¹²⁸

MR. SICOTTE the SPEAKER ruled the motion out of order.¹²⁹

MR. PAPIN then moved that the Speaker do not now leave the chair, but that it be resolved that an humble address be presented to His Excellency, informing him that the course taken by his advisers has not been such as to inspire the house with sufficient confidence to entrust them to expend the money appropriated for the erection of permanent public buildings at Quebec.¹³⁰

MR. S. SMITH (Northumberland) said that as it was now so late, he would move that the further consideration of the question be postponed till to-morrow.¹³¹

(514)

Mr. *Papin* moved in amendment to the Question, seconded by Mr. *Sanborn*, That all the words after "That" to the end of the Question be left out, and the words "An humble Address be presented to His Excellency the Governor General, conveying to him the expression, that the position which His Excellency's Administration have assumed up to the present day, on the Question of the Seat of Government, does not inspire this House with the confidence necessary to entrust that Administration with the moneys required for the construction of the necessary Buildings at the Seat of Government" inserted instead thereof;

Mr. *Sidney Smith* moved, seconded by Mr. *Patrick*, That the further consideration of the proposed Amendment be postponed until To-morrow;

MR. MURNEY would support that motion. He did not think it fair to take Government by surprise, as would be the effect of the honorable member for L'Assomption's motion. That the present Administration had lost the confidence of the country, there was no question. Scarcely a newspaper in Canada, with the exception of a few, subsidized [sic] by the Government; and scarcely a person to be met with in the public streets would venture to say one word in their favor; and, therefore he would say that if there was the slightest chance in the world for such an Administration, by all means let them have it. The time had arrived when the question of non-confidence in the Administration ought to be fairly, honestly and openly discussed on its own merits. (Hear, hear.)¹³²

MR. AT. GEN. DRUMMOND replied that the Government did not need the assistance or support of the honorable member for Hastings. They were prepared to take a vote of confidence again. Over and over again had such a vote been taken. Already and as often had the ministry been triumphantly sustained. No doubt the influence of that honorable gentleman was so unbounded, and his eloquence so persuasive, that he imagined his opposition was calculated to paralyze the Administration. But he (Mr. Drummond) would tell that hon. gentleman that the Government cared as little about his influence as they did about his opposition. They asked no mercy at the hands of the Opposition, nor of those honorable gentlemen who pretended to be in favor of a permanent seat of Government, and then backed out of the principle.¹³³

MR. WILSON was rather surprised at the assertion of the hon. Attorney General, that the House had full confidence in the Government. Now that hon. gentleman ought to know, that the cause of the votes referr[ed] to by him, was not that the House had confidence in the Administration, but that they had no confidence in forming another.¹³⁴

MR. GALT replied at some length to an attack of the Attorney General East, in the course of which he stated that it was a matter of perfect indifference to him whether that hon. gentleman was pleased with his course or not. He was determined to act in accordance with the interests of his constituents and the country at large.¹³⁵

MR. CAMERON said that it ill became those who had voted for the motion to go to Quebec to take the course that the member for Sherbrooke had done. At the same time he condemned the Government for not having acted openly in the matter¹³⁶. If the Government were really in earnest in carrying out the intentions of that House, they ought to have come forward in a manly, straight-forward way, and ask for the entire appropriation necessary for the erection of the buildings,¹³⁷ [which was] £300,000 according to their own estimates¹³⁸, and not shirk the question by only asking £50,000.¹³⁹

MR. AT. GEN. J.A. MACDONALD said he could understand the position taken by the hon. member for Toronto, who had always voted against a permanent Seat of Government, in voting against an appropriation. But the case of the member for Sherbrooke was very different. As regarded the motion of the member for L'Assomption, he did not think the house could be reasonably called upon to vote want of confidence in the administration, when the question of whether there should be a permanent Seat of Government or not, had always been left an open question, from the very formation of the present Government.¹⁴⁰ But the moment the house decided that the Seat of Government should be permanently fixed at Quebec, the duty devolved on the Administration of bringing down an appropriation for buildings in the estimates. As to the remark by the member for Toronto that the Government, if they were to carry out the vote of the house, ought to have brought forward a proposition for a larger amount than £50,000, he would say that the government were bound to carry out the wishes of the house, but they took the course always pursued both here and in England, in the case of every great public work, of only placing in the annual estimates, the amount actually to be spent during one year. Although the member for Sherbrooke did not feel himself bound by his vote, the government felt themselves bound by the vote of this house.¹⁴¹ As to the vote of want of confidence, he considered it fair enough; and he hoped the House would not sustain the motion of the hon. member for Northumberland.¹⁴²

MR. MACKENZIE moved that the House do now adjourn, it being half past twelve, and there being many reasons why the House should be allowed deliberately to consider the questions now raised.¹⁴³

MR. INSP. GEN. CAYLEY had wished to find what was the real and precise object in the various motions of amendment which had been made. It was now clear that the object was to overthrow the vote on the former decision. The effect of it, however, was to say that the Government should not have

the power of disposing of the moneys, though it had become their duty to carry out the vote of the House in establishing the Parliament at Quebec. He opposed the motion of adjournment.¹⁴⁴

MR. POST. GEN. SPENCE said the Government were prepared to accept the verdict of the House at once, and would be much better pleased that the vote should be taken to-night.¹⁴⁵

MR. RANKIN wished for an adjournment in order the better to get the sentiments of members as to the conduct of ministers.¹⁴⁶ There was no doubt that great dissatisfaction existed with the administration both without and within the House. That dissatisfaction [was] caused not only by their conduct on measures, but their manner in the House¹⁴⁷ [and] the insolence of their tone. He instanced in the remarks made by the Attorney General East on the member of Hastings. It was said that confidence in the Government had been affirmed and re-affirmed. He denied that. The hon. member referred to the several motions and divisions, to show that¹⁴⁸ there had been no direct vote of confidence in the administration given during this session. Every vote claimed as such, was mixed up with some other subject which compelled members to vote more with reference [sic] to the collateral administration than the question of confidence in the Government.¹⁴⁹ The best way, however, to treat the matter was by a direct vote of want of confidence.¹⁵⁰ He would be glad to see the question discussed in a full House.¹⁵¹ When that question came on, he should have a word to say. At present he was only desirous to adjourn. The hon. member again lectured the ministry on their conduct.¹⁵²

DR. CLARKE here interrupted the speaker and drew down on himself some strong expressions of censure.¹⁵³

[MR. RANKIN entered into] a brief repetition of his opinions¹⁵⁴.

MR. SICOTTE the SPEAKER then called in the members, and the division took place upon the question of adjournment¹⁵⁵.

(514) Mr. Mackenzie moved, seconded by Mr. Aikins, and the Question being put, That this House do now adjourn; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Aikins, Bell, Biggar, Brown, Bureau, Burton, Christie, Cook, Charles Daoust, Darche, Jean B.E. Dorion, Foley, Frazer, Galt, Gould, Hartman, Holton, Jackson, Jobin, Mackenzie, Matheson, Mattice, Munro, Murney, Patrick, Rankin, Sanborn, Scatcherd, Sidney Smith, James Smith, Somerville, Valois, Wilson, and Wright. — (34.)

(514-515)

NAYS.

Messieurs Alleyn, Bourassa, Bowes, Brodeur, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Conger, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Labelle, Laporte, LeBoutillier, Lemieux, Lumsden, Attorney General Macdonald, McCann, Marchildon, Masson, Meagher, Joseph C. Morrison, Angus Morrison, O'Farrell, Papin, Polette, Poulin, Pouliot, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Southwick, Spence, Stevenson, Taché, Thibaudeau, Turcotte, Whitney, and Yielding. — (59.)

(515)

So it passed in the Negative.

And the Question being put, That the further consideration of the proposed Amendment to the Question, That Mr. Speaker do now leave the Chair (for the House in Committee of Supply), be postponed until To-morrow; the House divided: and the names being called for, they were taken down, as follow: —

YEAS.

Messieurs Aikins, Bell, Biggar, Brown, Burton, Christie, Cook, Charles Daoust, Darche, Jean B.E. Dorion, Foley, Frazer, Galt, Gould, Hartman, Holton, Jackson, John S. Macdonald,

Mastice, Munro, Murney, Patrick, Rankin, Sanborn, Scatcherd, Sidney Smith, James Smith, Somerville, Southwick, Valois, Wilson, and Wright. — (32.)¹⁵⁶

NAYS.

Messieurs *Alleyn, Bourassa, Bowes, Brodeur, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Conger, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evansurel, Felton, Ferres, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Jobin, Labelle, Laporte, LeBoutillier, Lemieux, Lumsden, Attorney General Macdonald, McCann, Marchildon, Masson, Meagher, Joseph C. Morrison, Angus Morrison, O'Farrell, Papin, Polette, Poulin, Pouliot, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Taché, Thibaudeau, Turcotte, Whitney, and Yielding.* — (59.)

So it passed in the Negative.

MR. J. SMITH then moved that the house adjourn.¹⁵⁷

MR. AT. GEN. DRUMMOND stated the willingness of the ministry to accede to the motion, although, he said, they had shown that they were quite able to meet the vote of want of confidence, notwithstanding that the opposition had taken advantage of the absence of many ministerial supporters to move it, having marshalled their own forces for the purpose.¹⁵⁸

MR. BROWN said, that the Attorney General's remark was not correct. The whole object of himself and his friends had been to get a vote on the question of a permanent Seat of Government before going into committee, and that having been prevented, and the Government having jeered them that they ought to move a direct vote of want of confidence, the member for L'Assomption had been induced to submit the motion he did. The question by that motion had now assumed a different shape, and it was right that the house should have an opportunity of deliberately expressing its opinion on it.¹⁵⁹

MR. PAPIN expressed a similar view¹⁶⁰.

The motion was then agreed to, and the house adjourned¹⁶¹.

(515)

Then, on motion of Mr. *James Smith*, seconded by Mr. *Patrick*,
The House adjourned.¹⁶²

Footnotes

1. *Globe*, 15 May 1856.
2. *Ibid.*
3. *Montreal Gazette*, 16 May 1856.
4. *Globe*, 15 May 1856.
5. *Ibid.*
6. *Montreal Gazette*, 16 May 1856.
7. *Globe*, 15 May 1856.
8. *Montreal Gazette*, 16 May 1856.
9. *Globe*, 15 May 1856.
10. *Ibid.*
11. *Montreal Gazette*, 16 May 1856.
12. *Ibid.*
13. *Globe*, 15 May 1856.
14. *Toronto Daily Leader*, 16 May 1856.

15. *Globe*, 15 May 1856.
16. *Toronto Daily Leader*, 16 May 1856.
17. *Globe*, 15 May 1856.
18. *Montreal Gazette*, 16 May 1856.
19. *Globe*, 15 May 1856.
20. *Ibid.*
21. *Ibid.*
22. *Ibid.*
23. *Ibid.*
24. *Toronto Daily Leader*, 16 May 1856.
25. *Montreal Gazette*, 16 May 1856.
26. *Globe*, 15 May 1856.
27. *Ibid.*
28. *Montreal Gazette*, 16 May 1856. Commentaries on the Fourth Report of the Public Accounts Committee can be found in the following newspapers: *Globe*, 15 May 1856, *Toronto Daily Leader*, 15 May 1856, *Le Pays*, 20 May 1856, and *Morning Chronicle*, 21 May 1856.
29. *Globe*, 15 May 1856.
30. *Ibid.*
31. *Ibid.*
32. *Toronto Daily Leader*, 16 May 1856.
33. *Ibid.*
34. *Globe*, 15 May 1856.
35. *Toronto Daily Leader*, 16 May 1856.
36. *Globe*, 15 May 1856.
37. *Toronto Daily Leader*, 16 May 1856.
38. *Ibid.*
39. *Ibid.*
40. *Montreal Gazette*, 16 May 1856.
41. *Ibid.*
42. *Ibid.*
43. *Montreal Gazette*, 16 May 1856. *Toronto Daily Leader*, 16 May 1856, reports the discussion "was almost inaudible in the gallery". Both the *Montreal Gazette* and the *Toronto Daily Leader* mistakenly report that it was the third reading of the Bill which was postponed.
44. *Globe*, 15 May 1856.
45. *Ibid.*
46. *Toronto Daily Leader*, 16 May 1856.
47. *Ibid.*
48. *Ibid.*
49. *Ibid.*
50. *Globe*, 15 May 1856.
51. *Toronto Daily Leader*, 16 May 1856.
52. *Ibid.*
53. *Ibid.*
54. *Ibid.*
55. *Ibid.*
56. *Ibid.*
57. *Ibid.*
58. *Ibid.*
59. *Globe*, 15 May 1856.
60. *Toronto Daily Leader*, 16 May 1856.
61. *Globe*, 15 May 1856.
62. *Toronto Daily Leader*, 16 May 1856.
63. *Globe*, 15 May 1856.
64. *Toronto Daily Leader*, 16 May 1856.
65. *Ibid.*
66. *Montreal Gazette*, 16 May 1856.
67. *Toronto Daily Leader*, 16 May 1856.

68. *Globe*, 15 May 1856.
69. *Toronto Daily Leader*, 16 May 1856.
70. *Globe*, 15 May 1856.
71. *Toronto Daily Leader*, 16 May 1856.
72. *Ibid.*
73. *Ibid.*
74. *Ibid.*
75. *Ibid.*
76. *Ibid.*
77. *Ibid.*
78. *Ibid.*
79. *Montreal Gazette*, 16 May 1856.
80. *Ibid.*
81. *Ibid.*
82. *Ibid.*
83. *Ibid.*
84. *Toronto Daily Leader*, 16 May 1856.
85. *Montreal Gazette*, 16 May 1856.
86. *Ibid.*
87. *Ibid.*
88. *Ibid.*
89. *Ibid.*
90. *Ibid.*
91. *Ibid.*
92. *Ibid.*
93. *Ibid.*
94. *Montreal Gazette*, 16 May 1856. *Globe*, 15 May 1856, reports the Committee rose "after a discussion, chiefly of a local character, which lasted for about two hours and a half".
95. *Globe*, 15 May 1856.
96. Both *Globe*, 15 May 1856, and *Toronto Daily Leader*, 16 May 1856, report the amendment was negatived by 45 to 30, without including the list of voters.
97. *Toronto Daily Leader*, 16 May 1856.
98. *Globe*, 15 May 1856.
99. In a commentary, *Globe*, 15 May 1856, reports that Mr. Cayley rose to make this motion "a little before ten o'clock".
100. *Globe*, 15 May 1856. According to *Toronto Daily Leader*, 16 May 1856, Mr. Brown referred to a sum of "£550,000 for public works".
101. *Globe*, 15 May 1856.
102. *Ibid.*
103. *Ibid.*
104. *Ibid.*
105. *Ibid.*
106. *Toronto Daily Leader*, 16 May 1856.
107. *Globe*, 15 May 1856.
108. *Toronto Daily Leader*, 16 May 1856.
109. *Globe*, 15 May 1856.
110. *Toronto Daily Leader*, 16 May 1856. *Globe*, 15 May 1856, reports that Mr. Rankin asked whether "this vote for £50,000 ... was to be regarded as an instalment on the estimates provided by the gentleman employed by the Attorney General East". It is difficult to ascertain whether this newspaper misunderstood the speaker or whether he did in fact make reference to the gentleman who provided Mr. Drummond with figures which differed greatly from the estimates given by Mr. Lemieux (see Messrs. Drummond and Lemieux's speeches on 14 April 1856, pages 1348-1350).
111. *Globe*, 15 May 1856.
112. *Toronto Daily Leader*, 16 May 1856.
113. *Globe*, 15 May 1856.
114. *Ibid.*
115. *Ibid.*
116. *Ibid.*
117. *Ibid.*

118. *Globe*, 15 May 1856.
119. *Ibid.*
120. *Ibid.*
121. *Ibid.*
122. *Ibid.*
123. *Ibid.*
124. *Ibid.*
125. *Ibid.*
126. *Ibid.*
127. *Ibid.*
128. *Pilot*, 19 May 1856.
129. *Toronto Daily Leader*, 16 May 1856.
130. *Globe*, 15 May 1856.
131. *Ibid.*
132. *Ibid.*
133. *Ibid.*
134. *Ibid.*
135. *Ibid.*
136. *Ibid.*
137. *Toronto Daily Leader*, 16 May 1856.
138. *Globe*, 15 May 1856.
139. *Toronto Daily Leader*, 16 May 1856.
140. *Ibid.*
141. *Globe*, 15 May 1856.
142. *Toronto Daily Leader*, 16 May 1856.
143. *Ibid.*
144. *Ibid.*
145. *Ibid.*
146. *Globe*, 15 May 1856.
147. *Toronto Daily Leader*, 16 May 1856.
148. *Globe*, 15 May 1856.
149. *Toronto Daily Leader*, 16 May 1856.
150. *Globe*, 15 May 1856.
151. *Toronto Daily Leader*, 16 May 1856.
152. *Globe*, 15 May 1856.
153. *Ibid.*
154. *Ibid.*
155. *Ibid.*
156. *Toronto Daily Leader*, 16 May 1856, and *Globe*, 15 May 1856, report that there were 33 votes in favour of Mr. S. Smith's motion, but without listing the division.
157. *Globe*, 15 May 1856.
158. *Ibid.*
159. *Ibid.*
160. *Toronto Daily Leader*, 16 May 1856.
161. *Globe*, 15 May 1856. Short commentaries on this day's debate regarding the appropriation for the construction of the Seat of Government are reported in *Globe*, 15 May 1856, and *Hamilton Spectator Semi-Weekly*, 17 May 1856.
162. *Globe*, 15 May 1856, reports that the House adjourned at "one o'clock".

INDEX OF PROPER NAMES

INTRODUCTION

The following Index applies only to the names of men who were members of the Legislative Assembly in the Fifth Parliament, Second Session, for the period covered in this volume, that is 23 April 1856 to 14 May 1856 inclusive. It refers to every occasion a member proposed or seconded a motion or resolution, or brought up a petition; it refers to every speech he delivered during debates or to every other time he addressed the House; and also when he took the chair of the House in Committee of the Whole, or was appointed to sit on a Committee. Only individual votes are excluded because divisions rightfully belong with the legislation they pertain to, and all legislation is included in the subject Index.

The letter "f" after the page number indicates a member's speech or motion referred to in the footnote pages. The punctuation (?) following a page number indicates there is reason to doubt that the member made the speech or moved the motion. The reader is advised to refer to the appropriate footnote in the footnote pages for an explanation.

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Valois, Michel François, 1571, 1622, 1717, 1898, 1981, 2021.

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Whitney, Hannibal Hodges, 1898, 1950.

Wilson, John, 1630, 1777, 1784, 1841, 1847, 1848, 1849-1850, 1851, 1873, 1879, 1901-1902, 1902, 1903, 1904, 1904-1905, 1905, 1908, 1924, 1967-1968, 1968, 1968-1969, 1969, 2003, 2012, 2025.

Wright, Amos, 1593, 1660, 1895.

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Yeilding, Agar, 1571, 1593.

Young, John, 1575, 1588, 1637, 1638, 1660, 1673, 1696, 1697, 1697-1698, 1698, 1699, 1700, 1703, 1704, 1708, 1717, 1720, 1758.



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